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Statutes
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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Twelfth Year of the Reign of His Majesty
KING GEORGE VI

Being the Fourth Session of the Twenty-Second
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE THIRD DAY OF
MARCH IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FORTY-EIGHT



ONTARIO

478519
3.9.48

HIS HONOUR RAY LAWSON, LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Baptist Johnston, Printer to the King's Most Excellent Majesty
1948

TABLE OF CONTENTS

	PAGE
Index to Statutes, 1948.....	677-751
Table of Public Statutes and Amendments, R.S.O. 1937, 1937 (2nd Session), 1938, 1939, 1939 (2nd Session), 1940, 1941, 1942, 1943, 1944, 1945, 1945 (2nd Session), 1946, 1947 and 1948.....	753-769
Table of Public Statutes (Proclaimed and Not Proclaimed).....	771-772

PART I

^{12 Geo. VI (1948) Cap.}	PUBLIC ACTS	BILL No.	PAGE
1.	An Act to amend The Adoption Act.....	95	1
2.	An Act to amend The Agricultural Associations Act.....	100	3
3.	An Act to amend The Agricultural Development Finance Act.....	93	5
4.	An Act to amend The Apprenticeship Act.....	96	7
5.	An Act to amend The Assessment Act.....	99; 129	9
6.	An Act to amend The Athletics Control Act, 1947.....	113	19
7.	An Act to amend The Bees Act.....	102	21
8.	An Act to amend The Boards of Education Act.....	75	23
9.	The Change of Name Act, 1948.....	86	29
10.	The Cheese and Hog Subsidy Act, 1948.....	104	39
11.	An Act to amend The Commissioners for taking Affidavits Act.....	72	41
12.	An Act to amend The Community Halls Act.....	103	43
13.	An Act to amend The Companies Act.....	35; 154, s. 1	45
14.	An Act to amend The Companies Information Act.....	36	49
15.	An Act to amend The Conditional Sales Act.....	71	51
16.	An Act to amend The Continuation Schools Act.....	73	53
17.	The Coroners Act, 1948.....	48	57
18.	An Act to amend The Corporations Tax Act, 1939.....	134	71

12 Geo. VI
(1948)
Cap.

	BILL No.	PAGE
19. An Act to amend The County Courts Act.....	68	75
20. An Act to amend The County Judges Act.....	140	77
21. An Act to amend The Crown Timber Act.....	146	79
22. An Act to amend The Department of Education Act.....	83	83
23. The Department of Public Welfare Act, 1948.....	149	87
24. An Act to amend The Department of Reform Institutions Act, 1946.....	39	91
25. An Act to amend The Dependants' Relief Act.....	70	93
26. An Act to amend The Deserted Wives' and Children's Maintenance Act.....	65	95
27. An Act to amend The Factory, Shop and Office Building Act.....	97	97
28. An Act to amend The Farm Products Containers Act, 1947	101	99
29. An Act to amend The Farm Products Grades and Sales Act	120	101
30. An Act to amend The Female Refuges Act.....	92	103
31. An Act to amend The Fire Departments Act, 1947.....	111	105
32. The Forest Fires Prevention Act, 1948.....	138	109
33. An Act to amend The Forestry Act.....	131	123
34. An Act to amend The Fuel Supply Act.....	127	125
35. An Act to amend The Game and Fisheries Act, 1946.....	137	127
36. An Act to amend The General Sessions Act.....	67	135
37. An Act to amend The High Schools Act.....	76	137
38. An Act to amend The Highway Improvement Act.....	121	141
39. An Act to amend The Highway Traffic Act..... 116; 154, s. 17		143
40. An Act to provide for Greater Aid to Public Hospitals....	119	153
41. An Act to impose a Tax on Amusements to Provide for Greater Aid to Public Hospitals.....	118	157
42. The Hotel Fire Safety Act, 1948.....	144	167

12 Geo. VI
(1948)
Cap.

BILL No. PAGE

43. An Act to amend The Hotel Registration of Guests Act, 1944.....	46	175
44. An Act to assist the Development of Housing Accommodation.....	125	177
45. An Act to suspend The Income Tax Act (Ontario).....	133	179
46. An Act to amend The Industrial Farms Act.....	37	181
47. An Act to amend The Industrial Standards Act.....	81	183
48. An Act to amend The Insurance Act.....	132	185
49. An Act respecting Investment Contracts.....	143	193
50. An Act to amend The Judicature Act.....	66	201
51. The Labour Relations Act, 1948.....	124	203
52. The Lightning Rods Act, 1948.....	145	209
53. An Act to facilitate the Enforcement of Maintenance Orders.....	64	215
54. An Act to amend The Mental Hospitals Act.....	80	221
55. The Milk Control Act, 1948.....	126	223
56. An Act to amend The Mining Act.....	63	235
57. An Act to amend The Mining Tax Act.....	128	339
58. The Mothers' Allowances Act, 1948.....	151	341
59. An Act to amend The Municipal Act..... 90; 154, s. 9		345
60. An Act to amend The Natural Gas Conservation Act.....	115	359
61. An Act to amend The Negligence Act.....	141	361
62. An Act to amend The Northern Development Act.....	94	363
63. An Act to amend The Notaries Act.....	69	367
64. The Old Age Pensions Act, 1948.....	150	369
65. An Act for Raising Money on the Credit of the Consolidated Revenue Fund.....	136	377
66. An Act to amend The Ontario Northland Transportation Commission Act.....	44	379

12 Geo. VI
(1948)
Cap.

	BILL No.	PAGE
67. An Act respecting the Purchase by The Corporation of the City of Ottawa of Certain Assets of Ottawa Light, Heat and Power Company, Limited	153	381
68. An Act to amend The Police Act, 1946	112	383
69. An Act to amend The Power Commission Act	105	387
70. An Act to repeal The Protection of Birds Act	34	395
71. An Act to amend The Public Hospitals Act	61	397
72. An Act to amend The Public Lands Act 130; 154, s. 13		399
73. An Act to amend The Public Schools Act	84	401
74. An Act to amend The Public Service Act, 1947	78	403
75. An Act to amend The Public Vehicle Act	87	409
76. An Act to amend The Race Tracks Tax Act, 1939	147	411
77. An Act to amend The Real Estate and Business Brokers Act, 1946	60	413
78. An Act to amend The Regulations Act, 1944	45	415
79. An Act respecting the Research Council of Ontario	114	417
80. An Act to amend The Sanatoria for Consumptives Act, 1947	62	421
81. An Act to amend The School Sites Act	77	423
82. An Act to amend The Securities Act, 1947	139	425
83. An Act to amend The Security Transfer Tax Act, 1939	135	435
84. An Act respecting Ski-tows	123	437
85. An Act to amend The Snow Roads and Fences Act	117	439
86. An Act to amend The Statute Labour Act	122	441
87. The Statute Law Amendment Act, 1948 154, <i>part</i>		443
88. An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1949	156	449
89. An Act to amend The Surveys Act	88	453

CONTENTS

vii

12 Geo. VI
(1948)
Cap.

	BILL No.	PAGE
90. An Act to amend The Teachers' and Inspectors' Superannuation Act, 1946.....	74	455
91. An Act to amend The Teaching Profession Act, 1944.....	82	457
92. An Act to amend The Ticket Speculation Act.....	47	461
93. An Act to amend The Tourist Camp Regulation Act, 1946.....	79	463
94. An Act to amend The Training Schools Act, 1939.....	106	465
95. An Act to amend The University Avenue Extension Act, 1928.....	98	467
96. An Act to amend The Vocational Education Act.....	85	469
97. The Vital Statistics Act, 1948.....	91	477
98. An Act to provide for Welfare Units.....	152	509
99. An Act to amend The Workmen's Compensation Act.....	148	511

PART II

BILL No. PAGE

PRIVATE ACTS

100. An Act respecting The Trustees of the Hamilton Orphan Asylum.....	20	517
101. An Act respecting Alma College.....	9	519
102. An Act respecting the City of Belleville and The Belleville General Hospital.....	5	521
103. An Act respecting F. D. Burkholder, Limited.....	25	527
104. An Act respecting Canadian Lakehead Exhibition.....	24	529
105. An Act respecting the Canadian National Exhibition Association.....	30	531
106. An Act respecting the City of Chatham.....	10	545
107. An Act respecting the Township of Dover.....	12	555
108. An Act respecting the Village of Forest Hill.....	21	557

12 Geo. VI
(1948)
Cap.

	BILL No.	PAGE
109. An Act respecting the Niagara Falls General Hospital Trust	8	559
110. An Act respecting The Hamilton St. Andrew's Benevolent Society.....	19	561
111. An Act respecting the City of Kingston.....	15	563
112. An Act respecting Knox College.....	17	565
113. An Act to set aside the Laing Marriage Settlement Trust Deed.....	26	567
114. An Act respecting the City of London.....	18	569
115. An Act respecting the Town of New Toronto.....	4	575
116. An Act respecting the City of Niagara Falls.....	1	577
117. An Act respecting the City of Ottawa.....	27	585
118. An Act respecting The Ottawa Ladies' College.....	22	595
119. An Act respecting the City of Peterborough.....	11	599
120. An Act respecting the City of Port Arthur.....	13	609
121. An Act to establish The Town of Riverside High School District.....	7	611
122. An Act respecting the City of St. Catharines.....	6	615
123. An Act respecting the City of Sault Ste. Marie.....	31	623
124. An Act respecting the Town of Simcoe.....	14	627
125. An Act respecting the Township of South Dorchester.....	32	631
126. An Act respecting the Township of Stamford.....	29	635
127. An Act respecting The Strathroy General Hospital.....	3	641
128. An Act respecting Wesley Gardiner Thompson, M.P.P.....	2	645
129. An Act respecting the City of Toronto.....	28	647
130. An Act to incorporate the United Co-operatives of Ontario.	16	667

PART I
PUBLIC ACTS

Chapters 1 to 99



12 GEORGE VI

CHAPTER 1.

An Act to amend The Adoption Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Adoption Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 218, s. 12,
re-enacted.
- 12.—(1) The proper officer of the court shall transmit to the Registrar-General under *The Vital Statistics Act, 1948*, a certified copy of every adoption order, under the seal of the proper certifying authority, within ten days of the making of the order.

Copy of
order to
Registrar-
General.
1948, c. 97.
- (2) Where the adopted child was born outside of Ontario the clerk shall transmit an additional certified copy to the Registrar-General.

Additional
copy.
2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.
3. This Act may be cited as *The Adoption Amendment Act, 1948*.

Short title.

CHAPTER 2.

An Act to amend The Agricultural Associations Act.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Agricultural Associations Act*, as amended by section 2 of *The Statute Law Amendment Act, 1941*, is further amended by striking out the words "The Ontario Fruit Growers' Association" in the amendment of 1941 and inserting in lieu thereof the words "The Ontario Fruit and Vegetable Growers' Association", and by striking out the words "The Ontario Vegetable Growers' Association" in the seventeenth line, so that the said section shall now read as follows:

2. The following associations, societies and organizations shall be, or continue to be, bodies corporate under the provisions of this Act:—

Certain
bodies
declared
to be cor-
poration.

The Ontario Fruit and Vegetable Growers' Association.

The Entomological Society of Ontario.

The Dairymen's Association of Eastern Ontario.

The Dairymen's Association of Western Ontario.

The Ontario Poultry Association.

The Eastern Ontario Poultry Association.

The Ontario Bee-keepers' Association.

The Ontario Agricultural and Experimental Union.

The Dominion Sheep Breeders' Association.

The Dominion Swine Breeders' Association.

The Dominion Cattle Breeders' Association.

The Canadian Horsemen's Association.

The Ontario Horse Breeders' Association.

The Gardeners' and Florists' Association.

The Ontario Corn Growers' Association.

The Ontario Plowmen's Association.

The Ontario Swine Breeders' Association.

and such other associations, societies, institutes, or organizations as may be designated by the Lieutenant-Governor in Council.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Agricultural Associations Amendment Act, 1948.*

CHAPTER 3.

An Act to amend The Agricultural Development Finance Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Agricultural Development Finance Act* Rev. Stat., c. 77, s. 3, re-enacted. is repealed and the following substituted therefor:

3. Moneys borrowed under this Act shall be used for Use of moneys. any of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature.

2. This Act shall come into force on the day upon which it Commence-ment of Act. receives the Royal Assent.

3. This Act may be cited as *The Agricultural Development Finance Amendment Act, 1948.* Short title.

CHAPTER 4.

An Act to amend The Apprenticeship Act.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Apprenticeship Act* is repealed and the following substituted therefor: Rev. Stat., c. 192, s. 1, cl. *c*, re-enacted.
 - (c) "Designated trade" shall mean any trade specified in or added to Schedule A or B hereto or any branch of any such trade. "Designated trade".
2. Clause *a* of subsection 1 of section 15 of *The Apprenticeship Act*, as re-enacted by subsection 1 of section 4 of *The Apprenticeship Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 192, s. 15, subs. 1, cl. *a* (1946, c. 2, s. 4, subs. 1), re-enacted.
 - (a) defining any designated trade;
 - (aa) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended, the course of training to be provided by the employer and the period of time in each year to be completed by an apprentice in learning his trade.
3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.
4. This Act may be cited as *The Apprenticeship Amendment Act, 1948*. Short title.

CHAPTER 5.

An Act to amend The Assessment Act.

*Assented to March 31st, 1948.**Section 5 assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *k* of subsection 1 of section 8 of *The Assessment Act* is amended by inserting after the letter “*l*” in the eighth line the word and letter “or *m*”, so that the said clause shall now read as follows:

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. *k*,
amended.

- (*k*) Every person carrying on the business of a photographer or of a theatre, concert hall, or skating rink, or other place of amusement, or of a boarding stable, or a livery, or the letting of vehicles or other property for hire, or of a restaurant, eating house, or other house of public entertainment, or of a hotel or any business not before in this section or in clause *l* or *m* specially mentioned, for a sum equal to twenty-five per centum of the assessed value.

(2) Clause *a* of subsection 9 of the said section 8, as enacted by section 2 of *The Assessment Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 8,
subs. 9, cl. *a*
(1940,
c. 1, s. 2),
re-enacted.

- (*a*) In this subsection, “rooming house” shall mean any house or building or portion thereof, in which the proprietor resides and occupies at least ten per centum of the floor space as his residence, and supplies for hire or gain to other persons, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings, and shall not include an hotel or apartment house.

2. Subsection 3 of section 23 of *The Assessment Act*, as amended by section 15 of *The Assessment Amendment Act, 1947*, is further amended by striking out “Column 3.—The age of every person entered on the roll” and inserting in lieu thereof “Column 3.—The year of birth of every person entered on the roll”.

Rev. Stat.,
c. 272, s. 23,
subs. 3,
amended.

Rev. Stat.,
c. 272, s. 38
(1946,
c. 3, s. 6),
amended.

3. Section 38 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1946* and amended by section 16 of *The Assessment Amendment Act, 1947*, is further amended by adding thereto the following subsection:

Section 57
not to apply.

(1a) The provisions of section 57 shall not apply in respect of land owned by His Majesty in right of Ontario or land in which His Majesty in right of Ontario has an interest.

Rev. Stat.,
c. 272, s. 39,
subs. 6,
amended.

4. Subsection 6 of section 39 of *The Assessment Act*, as amended by subsection 1 of section 17 of *The Assessment Amendment Act, 1947*, is further amended by inserting after the word "situate" in the fourth line the words "or, in unorganized territory, the school board having jurisdiction over the area in which such mine or mineral work is situate", so that the said subsection shall now read as follows:

Profits from
mines.

(6) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate, or, in unorganized territory, the school board having jurisdiction over the area in which such mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.

Rev. Stat.,
c. 272,
amended.

5. *The Assessment Act* is amended by adding thereto the following section:

Payment by
public utility
for services.

47a.—(1) Where the council of a municipal corporation, or a commission or trustees or other body acting for and on behalf of the corporation, operates a public utility (as defined in *The Department of Municipal Affairs Act*) which is exempt or partially exempt from municipal taxation, the council, commission, trustees or other body may agree to pay for any of the following municipal services rendered by the corporation:

Rev. Stat.,
c. 59.

- (a) fire protection;
- (b) police protection;
- (c) law enforcement;
- (d) street lighting;
- (e) snow and ice removal, including sanding streets, sidewalks and other thoroughfares;
- (f) drainage;

- (g) sanitation and waste removal;
- (h) conservation of health.

- (2) Notwithstanding any general or special Act, no agreement between a public utility and a municipal corporation to pay for municipal services shall be made hereafter without the approval of the Department.
- Approval of Department required.

6.—(1) Subsection 2 of section 57 of *The Assessment Act* is amended by striking out the words “income or” where they occur in the second and seventh lines respectively, and by inserting after the word “omitted” in the third line the words “in whole or in part”, so that the said subsection shall now read as follows:

Rev. Stat., c. 272, s. 57, subs. 2, amended.

- (2) If at any time it appears to any officer of the municipality that any business assessment has been omitted in whole or in part from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk in any other manner, and the clerk shall enter such business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year, on the collector’s roll for the current year, but in respect to any assessment for a preceding year or years the taxes payable in respect thereto shall be calculated at the rates of taxation levied for such year or years.
- Omissions of business assessment.

(2) Subsection 3 of the said section 57, as amended by subsection 2 of section 11 of *The Assessment Amendment Act, 1946*, is further amended by striking out all the words after the word “roll” in the fifth line and inserting in lieu thereof the words “and the same rights in respect of appeal shall apply as if such building or land or business had been assessed in the usual way”, so that the said subsection shall now read as follows:

Rev. Stat., c. 272, s. 57, subs. 3, amended.

- (3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and the same rights in respect of appeal shall apply as if such building or land or business had been assessed in the usual way.
- Notice to person taxed; right of appeal.

7.—(1) Subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of section 13 of *The Assessment Amendment Act, 1946*, is repealed and the following substituted therefor:

Rev. Stat., c. 272, s. 59, (1946, c. 3, s. 13, subs. 1), re-enacted.

Time for
taking the
assessment
and revising
the roll.

- (1) Notwithstanding any other public or private Act heretofore passed, in every municipality the assessment shall be taken between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk not later than the 1st day of October and the time for closing the court of revision shall be not later than the 15th day of November and for the final return by the county judge shall be not later than the 15th day of December, and the assessment so made shall be the assessment on which the rate of taxation for the following year shall be fixed and levied.

Revision
where
county court
of revision
constituted.

- (1a) Where a county court of revision has been constituted, the time for closing the court of revision shall be not later than the 15th day of January in the following year and for the final return by the judge shall be not later than the 15th day of February in the following year.

Rev. Stat.,
c. 272, s. 59
subs. 2,
amended.

- (2) Subsection 2 of the said section 59 is amended by inserting after the word "December" in the third line the words "or the 15th day of February, as the case may be", so that the said subsection shall now read as follows:

Delay in
completing
assessment,
effect of.

- (2) Where there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 15th day of December or the 15th day of February, as the case may be, the assessment when finally revised shall nevertheless be the assessment on which the rate of taxation for such following year shall be levied.

Special
provision
for 1948
taxation.

- (3) When the assessor did not complete the making of the assessment or did not return the roll or the roll was not revised or finally revised in the year 1947 in accordance with *The Assessment Act*, the Minister may extend the time for the completion of the roll, the return of the roll, the revision of the roll or the final revision of the roll, and the assessment so made shall when finally revised be the assessment on which the rate of taxation for the year 1948 shall be fixed and levied.

Idem.

- (4) Any municipality that made an assessment and levied taxes thereon in 1947 may pass a by-law adopting for the purpose of levying and collecting taxes in 1948 the assessment roll made and revised in 1947, and such roll shall be subject to revision in the manner provided in subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of this section and shall have the same effect as if made under such subsection.

8. Subsection 6 of section 60 of *The Assessment Act*, as amended by subsection 2 of section 14 of *The Assessment Amendment Act, 1946*, is further amended by striking out the word "five" where it occurs in the sixth and twelfth lines respectively and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

- (6) In any municipality in which any by-law has been passed under this section, the provisions of sections 73 and 76, so far as the same relate to the time for appealing and giving notice thereof, shall not apply, but the clerk shall give notice to every person appealing, or whose assessment or non-assessment is appealed against, at least ten days before the sitting of the court of revision, such notice to be served upon such person, or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post office, but no advertisement of the court shall be necessary, and in case of appeals to the county judge, ten days' notice of the day fixed by the county judge for hearing such appeals shall be served in the manner provided in the case of appeals to the court of revision.

9. Section 61 of *The Assessment Act* is amended by striking out the word and figures "16 or 20" in the fourth line and inserting in lieu thereof the figures "23", so that the said section shall now read as follows:

61. Where an addition of any part of the localities adjacent to any city, town or village has been made to said city, town or village, in any year subsequent to the 30th day of September, under the provisions of section 23 of *The Municipal Act*, the council of said city, town or village may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality as the basis of the assessment for said part for that year, although the assessment of the remainder of the city, town or village has been made, and the rate of taxation has been levied in accordance with the provisions of sections 59 and 60, and the levying of a proportionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon, and the qualification of municipal electors in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken.

Rev. Stat.,
c. 272, s. 73,
subs. 8,
amended.

10. Subsection 8 of section 73 of *The Assessment Act* is amended by striking out "*L.M. Self Income overcharged.*" in the eighth line, so that the said subsection shall now read as follows:

Form of
list of
appeals.

(8) Such list may be in the following form:

Appeals to be heard at the Court of Revision to be held at
on the day of , 19 .

Appellant.	Respecting whom.	Matter complained of.
<i>A.B.</i>	Self	Overcharged on land.
<i>C.D.</i>	<i>E.F.</i>	Name omitted.
<i>G.H.</i>	<i>J.K.</i>	Not <i>bona fide</i> owner or tenant.
&c.	&c.	

Rev. Stat.,
c. 272, s. 74,
amended.

11. Section 74 of *The Assessment Act* is amended by striking out the figure "7" in the eleventh line and inserting in lieu thereof the figure "4", so that the said section shall now read as follows:

Roll to be
binding not-
withstanding
errors in it
or in notice
sent to
persons
assessed.

74. The roll, as finally passed by the court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the judge of the county court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 52, or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice shall not apply to any person who has given the clerk or assessment commissioner the notice provided for in subsection 4 of section 52.

Rev. Stat.,
c. 272, s. 84,
subs. 1
(1946,
c. 3, s. 21,
subs. 1),
amended.

12.—(1) Subsection 1 of section 84 of *The Assessment Act*, as re-enacted by subsection 1 of section 21 of *The Assessment Amendment Act, 1946*, is amended by striking out the words "In the case of the assessment of a telephone company or where a person is assessed to an amount aggregating in a municipality in territory without county organization \$5,000 or upwards or in any other municipality \$10,000 or upwards, such company or person" at the commencement thereof, so that the said subsection shall now read as follows:

Appeals to
Municipal
Board.

(1) The municipal corporation, the assessor or assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board or where no appeal is taken to the county judge, may appeal direct from the decision of the court of revision to the Ontario Municipal Board.

Rev. Stat.,
c. 272, s. 84,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 84 is repealed and the following substituted therefor:

- (2) An appeal shall also lie to the Ontario Municipal Board from a decision,— Appeal under ss. 57, 57a, 125.

(a) of the county judge; or

(b) of the court of revision, where no appeal is taken to the county judge,

given under the provisions of sections 57, 57a and 125.

(3) Subsection 4a of the said section 84, as enacted by subsection 2 of section 21 of *The Assessment Amendment Act, 1946*, is amended by adding at the end thereof the words “at least fourteen days before the hearing”, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 84, subs. 4a (1946, c. 3, s. 21, subs. 2), amended.

(4a) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing. Notice of hearing.

13. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

87a. Where the assessment of any real property is altered on an appeal, any business assessment based on the assessed value of such real property shall be altered in the business assessment roll by the clerk of the municipality to conform with the altered real property assessment, whether or not the business assessment roll has been finally revised. Revision of business assessment roll on alteration of real property assessment.

14. Subsection 1 of section 89a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1940* and amended by subsection 1 of section 9 of *The Assessment Amendment Act, 1944*, is further amended by inserting after the word “supervise” where it occurs in the amendment of 1944 the words “the assessment”, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 89a, subs. 1 (1940, c. 1, s. 5), amended.

- (1) Subject to the approval of the Department of Municipal Affairs, the council of every county may appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise the assessment and advise the assessors and shall report thereon to the county County assessor.

council before the 1st day of June in every year and such report shall form the basis for equalization under section 90.

Rev. Stat.,
c. 272, s. 104,
subs. 1,
amended.

15.—(1) Subsection 1 of section 104 of *The Assessment Act* is amended by striking out the words “and income” in the seventh line.

Rev. Stat.,
c. 272, s. 104,
subs. 2,
amended.

(2) Subsection 2 of the said section 104, as amended by subsection 1 of section 6 of *The Assessment Amendment Act, 1939*, is further amended by inserting after the word “property” in the sixth line the word “and”, and by striking out the words “and income” in the seventh line, so that the said subsection shall now read as follows:

Preparation
of collector's
roll.

Rev. Stat.,
cc. 357, 362.

(2) Notwithstanding anything contained in subsection 1 or in *The Public Schools or Separate Schools Acts*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property and taxable business, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof.

Rev. Stat.,
c. 272, s. 104,
subs. 6
(1939,
c. 3, s. 6,
subs. 2),
amended.

(3) Subsection 6 of the said section 104, as enacted by subsection 2 of section 6 of *The Assessment Amendment Act, 1939*, is amended by striking out the words “city having a population of more than 50,000” in the second and third lines and inserting in lieu thereof the words “local municipality”, and by adding at the end thereof the words “or unless the owner is not liable to pay the taxes”, so that the said subsection shall now read as follows:

Certain
names to
be omitted
from col-
lector's roll.

(6) Notwithstanding anything contained in this or any other Act the council of any local municipality may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes or unless the owner is not liable to pay the taxes.

Rev. Stat.,
c. 272, s. 120,
amended.

16. Section 120 of *The Assessment Act* is amended by adding thereto the following subsection:

Audit of
collector's
roll.

(6) Every collector, on the request of the treasurer, shall deliver his roll, together with an account of all collections made, to the treasurer to be audited.

17. Subsection 2 of section 125 of *The Assessment Act*, as re-enacted by subsection 1 of section 15 of *The Assessment Amendment Act, 1944*, is amended by adding at the end thereof the words "or the assessment commissioner, if any", so that the said subsection shall now read as follows:

- (2) The application may be made at any time during the year and until the 31st day of March in the following year and notice in writing of the application shall be given to the clerk of the municipality or the assessment commissioner, if any.

18. Subsection 1 of section 129 of *The Assessment Act*, as enacted by section 28 of *The Assessment Amendment Act, 1947*, is amended by striking out the word "described" in the ninth line and inserting in lieu thereof the word "directed", so that the said subsection shall now read as follows:

- (1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within fourteen days after the time appointed for the return and final settlement of the collector's roll and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

19. Subsection 1 of section 143 of *The Assessment Act* is amended by striking out the word "twenty-five" in the third line and inserting in lieu thereof the word "thirty-five", and by striking out the words "not exceeding four, and for every additional parcel, a further fee of ten cents" in the fourth and fifth lines, so that the said subsection shall now read as follows:

- (1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge thirty-five cents for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.

20. Subsection 2 of section 181 of *The Assessment Act*, as enacted by section 18 of *The Assessment Amendment Act, 1944* and amended by section 37 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words "complied with subsection 2 of" in the third and fourth lines and inserting in lieu thereof the words "sent to the incumbents and registered owner the notice as provided in", so that the said subsection shall now read as follows:

Declaration
of treasurer.

- (2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has sent to the incumbrancers and registered owner the notice as provided in section 178, and such declaration shall form part thereof, and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Rev. Stat.,
c. 272, s. 202,
repealed.

- 21.** Section 202 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272,
Form 4
(1938,
c. 37, s. 2,
subs. 4),
amended.

- 22.**—(1) Form 4 of *The Assessment Act*, as re-enacted by subsection 4 of section 2 of *The Statute Law Amendment Act, 1938*, is amended by striking out the column headed “For income”.

Rev. Stat.,
c. 272,
Form 5,
para. 2,
amended.

- (2) Paragraph 2 of Form 5 of *The Assessment Act* is amended by striking out the word “income” in the third line, so that the said paragraph shall now read as follows:

2. I have estimated and set down, according to the best of my information and belief, in said assessment roll, *the amounts assessable against every person named in the said roll for business or otherwise under The Assessment Act.*

Commence-
ment of Act.

- 23.** This Act shall come into force on the 1st day of June, 1948.

Short title.

- 24.** This Act may be cited as *The Assessment Amendment Act, 1948*.

CHAPTER 6.

An Act to amend The Athletics Control Act, 1947.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Athletics Control Act, 1947*,^{1947, c. 4, s. 1, cl. b, amended.} is amended by striking out the words "Physical Fitness and Recreation Fund" in the first and second lines and inserting in lieu thereof the words "Athletics and Physical Education Fund", so that the said clause shall now read as follows:

(*b*) "Fund" shall mean the "Athletics and Physical Education Fund" established under this Act.

2.—(1) Section 4 of *The Athletics Control Act, 1947*, is^{1947, c. 4, s. 4, amended.} amended by adding thereto the following subsection:

(2*a*) If the Minister is satisfied that the entire proceeds of any professional contest or exhibition are for charitable purposes, he may accept such amount as in the circumstances he deems proper in lieu of the percentage of the gross receipts payable under subsection 1.^{Reduction of tax.}

(2) The Minister may refund such part as in the circumstances he deems proper of any amount heretofore paid under subsection 1 of section 4 of *The Athletics Control Act, 1947*, if he is satisfied that the professional contest or exhibition, in respect of which the amount was paid, was conducted for charitable purposes.^{Refund of tax heretofore paid.}

3. Section 8 of *The Athletics Control Act, 1947*, is repealed^{1947, c. 4, s. 8, re-enacted.} and the following substituted therefor:

8. There shall be a fund to be known as the "Athletics and Physical Education Fund" and there shall be kept on the books of the Minister an account to be known as the "Athletics and Physical Education Fund Account."^{Athletics and Physical Education Fund.}

1947,
c. 4, s. 10,
subs. 1,
amended.

4.—(1) Subsection 1 of section 10 of *The Athletics Control Act, 1947*, is amended by striking out the words “the preceding” in the second and third lines and inserting in lieu thereof the word “such”, so that the said subsection shall now read as follows:

Reimburse-
ment of
Consolidated
Revenue
Fund.

(1) At the end of each fiscal year, the Minister shall fix the amount of all expenditures incurred during such fiscal year for the administration of this Act and shall pay such amount out of the Fund into the Consolidated Revenue Fund.

1947,
c. 4, s. 10,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 10 is repealed and the following substituted therefor:

Expenditures
for athletics
and physical
education.

(2) From time to time, the Minister, upon the recommendation of the Minister of Education, may expend the balance of the Fund or any part thereof for the purposes of any programme of athletics or physical education, including recreation for crippled persons under 19 years of age, under regulations made pursuant to subsection 2 of section 4 of *The Department of Education Act*.

Rev. Stat.,
c. 356.

1947, c. 4,
s. 14, subs. 2,
amended.

5. Subsection 2 of section 14 of *The Athletics Control Act, 1947*, is amended by adding at the end thereof the words “and such part thereof as consists of money and securities shall be credited to and form part of the Fund”, so that the said subsection shall now read as follows:

Personal
property of
Ontario
Athletic
Commission.

(2) All personal property of the Ontario Athletic Commission appointed under *The Athletic Commission Act, 1939*, shall be the property of His Majesty in right of Ontario represented by the Minister, and such part thereof as consists of money and securities shall be credited to and form part of the Fund.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Athletics Control Amendment Act, 1948*.

CHAPTER 7.

An Act to amend The Bees Act.

Assented to March 31st, 1948.

Session Prorogued April 16th, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Bees Act* is amended by adding thereto the following section: Rev. Stat.,
c. 348,
amended.

24. Every person who sells, transports or ships any used honey container that has not been cleansed shall be guilty of an offence and liable to a penalty not exceeding \$25. Used
containers.

2. This Act may be cited as *The Bees Amendment Act, 1948*. Short title.

CHAPTER 8.

An Act to amend The Boards of Education Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Boards of Education Act* Rev. Stat., c. 361, s. 1, cl. c. is amended by striking out the words "a resolution passed by the council of any city, town or village under the provisions" amended. in the third and fourth lines and inserting in lieu thereof the words, figures and letters "section 2, 2a or 2b", so that the said clause shall now read as follows:

(c) "Municipal board" and "municipal board of education" shall mean a board of education organized pursuant to section 2, 2a or 2b of this Act. "Municipal board" and "municipal board of education."

2. Subsection 2 of section 2 of *The Boards of Education Act*, Rev. Stat., c. 361, s. 2, subs. 2. as amended by section 1 of *The School Law Amendment Act*, amended. 1943, is further amended by striking out the figure "6" in the third line and inserting in lieu thereof the figure "4", so that the said subsection shall now read as follows:

(2) The council of a town, village or township which has been established as a high school district in accordance with section 4 of *The High Schools Act*, may on or before the 1st day of October in any year, at a meeting specially called for that purpose, declare by resolution that it is expedient to form a board of education under this Act for the purpose of establishing and maintaining one or more public or high schools in the municipality. Municipal board in town, village or township. Rev. Stat., c. 360.

3. *The Boards of Education Act* is amended by adding thereto the following sections: Rev. Stat., c. 361, amended.

2a.—(1) Subject to the approval of the Minister of Education, where a high school district which includes two or more municipalities or parts thereof comprises the same area as a township school area, or a township school area and one or more adjoining municipalities. Municipal board in high school district comprising two or more municipalities.

school sections, or two or more adjoining school sections, the council of the county or the councils of the counties in which the high school district has been established shall, on or before the 1st day of July in any year, upon the receipt of a resolution from the council of each of the municipalities within the district declaring that it is expedient to form a municipal board for the district, pass a by-law establishing a municipal board for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall be appointed and the board organized in accordance with this Act.

Assets and liabilities of board, and cost of operation.

(2) Upon the organization of the board,—

- (a) all the property theretofore vested in any high school board or public school board within the district shall become vested in the municipal board;
- (b) all debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board; and
- (c) the cost of operating the schools under the jurisdiction of the board shall be apportioned, levied and collected *mutatis mutandis* in the manner provided by section 42 of *The High Schools Act*.

Municipal board in unorganized territory.

- 2b. Where a high school district has been established by the Lieutenant-Governor in Council under subsection 6 of section 4 of *The High Schools Act*, the Lieutenant-Governor in Council may authorize the formation of a municipal board for the district, and may provide for the composition of the board and the term of office of the members thereof, and for all other purposes the provisions of this Act shall apply to the board.

Rev. Stat., c. 361, s. 3, amended.

4.—(1) Section 3 of *The Boards of Education Act* is amended by adding thereto the following subsections:

Elected members of board.

- (1a) Where a municipal board is established for two municipalities, a municipality having a population within the high school district, according to the last revised assessment roll, of,—

- (a) less than 1,000 shall elect two members;

- (b) 1,000 but less than 3,000 shall elect three members;
 - (c) 3,000 but less than 6,000 shall elect four members; and
 - (d) 6,000 or more shall elect five members.
- (1b) Where a municipal board is established for three or more municipalities, a municipality having a population within the high school district, according to the last revised assessment roll, of,—
- (a) less than 1,000 shall elect one member;
 - (b) 1,000 but less than 3,000 shall elect two members;
 - (c) 3,000 but less than 6,000 shall elect three members;
 - (d) 6,000 but less than 10,000 shall elect four members; and
 - (e) 10,000 or more shall elect five members.
- (1c) A part of a municipality which is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of subsections 1a and 1b. Part of a municipality not deemed a municipality.
- (1d) In addition to the members elected under subsection 1a or 1b, one member may be appointed by a county council in the manner provided in subsection 4 of section 13 of *The High Schools Act*, and one member may be appointed by a separate school board in the manner provided in section 19 of *The High Schools Act*. Appointed members of board.
-
- (3a) Notwithstanding the residence qualification prescribed in *The Public Schools Act*, a person who is a ratepayer of a municipality which, or any part of which, is included in the high school district, and who resides within five miles of the boundaries of the district, shall, unless otherwise disqualified, be qualified to be a member of the municipal board of the district. Residence qualification. Rev. Stat., c. 357.
-

Where one
member
elected.

- (7a) Subject to subsection 7b, where a municipality elects only one member, he shall continue in office for two years and until his successor is elected and a new board is organized.

Where
several
municipalities elect
one member.

- (7b) Where two or more municipalities each elect only one member, the sequence of retirement of those members shall be determined by lot to be cast by the secretary at the first meeting of the board, and one-half of such members where the number of such members is an even number and the next number higher than one-half where the number of such members is an odd number, shall continue in office for two years and until their successors are elected and a new board is organized, and the remainder of those members shall continue in office for one year and until their successors are elected and a new board is organized.

Rev. Stat.,
c. 361, s. 3,
subs. 7,
amended.

- (2) Subsection 7 of the said section 3 is amended by adding at the commencement thereof the words "Where a municipality elects more than one member," so that the said subsection shall now read as follows:

Terms of
office of
first
members.

- (7) Where a municipality elects more than one member, one-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized.

Rev. Stat.,
c. 361, s. 9,
amended.

5. Section 9 of *The Boards of Education Act* is amended by striking out the words "first Wednesday in February" in the fourth line and inserting in lieu thereof the words "second Wednesday in January", so that the said section shall now read as follows:

First
meeting in
each year.

9. Unless a date for the first meeting has been decided upon by the old board the first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the second Wednesday in January.

Rev. Stat.,
c. 361, s. 10,
re-enacted.

6. Section 10 of *The Boards of Education Act* is repealed and the following substituted therefor:

10.—(1) Every municipal board shall be a corporation ^{Powers and duties of board.} and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board or a high school board.

(2) The name of a municipal board which has jurisdiction in one municipality shall be "The Board of Education for the of", inserting the name of the municipality. ^{Name of board.}

(3) The name of a municipal board which has jurisdiction in more than one municipality shall be "The District Board of Education", inserting a name selected by the board and approved by the Minister. ^{Idem.}

7. Section 15 of *The Boards of Education Act* is amended by striking out the words "first Wednesday in February" in the fifth line and inserting in lieu thereof the words "second Wednesday in January", so that the said section shall now read as follows: ^{Rev. Stat. c. 361, s. 15, amended.}

15. Unless all members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of every union board in each year shall be held at the hour of eight o'clock in the evening of the second Wednesday in January. ^{First meeting in each year.}

8. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948. ^{Commencement of Act.}

9. This Act may be cited as *The Boards of Education Amendment Act, 1948.* ^{Short title.}

CHAPTER 9.

The Change of Name Act, 1948.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "applicant" means a person applying for a change of "applicant";
name under this Act;
- (b) "application" means an application for a change of "applica-
tion";
name under this Act;
- (c) "change" means any change by way of alteration, "change";
substitution, addition or abandonment;
- (d) "child" includes a child adopted under the provisions "child";
of *The Adoption Act*; Rev. Stat.,
c. 218.
- (e) "given name" includes Christian name and baptismal "given
name";
name;
- (f) "name" includes given name and surname; "name";
- (g) "Registrar-General" means Registrar-General under "Registrar-
The Vital Statistics Act, 1948; and General";
1948, c. 97.
- (h) "surname" includes family name and patronymic. "surname".
1939, c. 6, s. 1, *amended*.

2.—(1) Except in the case of a change of surname by a Compliance
woman upon her marriage to that of her husband, or the with Act.
adoption of her maiden name by a woman upon dissolution
of her marriage, and subject to section 12 of *The Vital Statis-
tics Act, 1948* and section 6 of *The Adoption Act*, no person Rev. Stat.,
shall change his name except under this Act. c. 218.

(2) Nothing herein contained shall be deemed to affect any Saving.
change of name effected under any right which existed at law
prior to the 26th day of June, 1939. 1939, c. 6, s. 13, *amended*.

Application
where name
changed
prior to
June 26,
1939.

(3) Any British subject by birth or by naturalization of the full age of twenty-one years who effected a change of name in Ontario under any right which existed at law prior to the 26th day of June, 1939, may make an application under this Act to change his name from the name he bore prior to the change to the name he bears as a result of the change, as though the change had not been effected. *New.*

Applicant to
be British
subject 21
years of age.

3.—(1) Every applicant shall be a British subject by birth or naturalization of the full age of twenty-one years.

Application.

(2) Any person except a married woman may make an application. 1939, c. 6, s. 2 (1), *amended.*

Application
by married
man.

4.—(1) Where a married man applies for a change of his surname, he shall also apply for a change of the surnames of his wife and of all of his or their unmarried infant children. 1939, c. 6, s. 2 (2), *amended.*

Idem.

(2) A married man may apply for a change of the given names of his wife and any or all of his or their unmarried infant children. *New.*

Application
by widower
or widow.

5.—(1) Where a widower or widow applies for a change of surname, he or she shall also apply for a change of the surname of all of his or her unmarried infant children. 1939, c. 6, s. 2 (3), *amended.*

Idem.

(2) A widower or widow may apply for a change of the given name or names of any or all of his or her unmarried infant children. *New.*

Application
by divorced
person on
behalf of
children.

6.—(1) A person whose marriage has been dissolved may make an application for a change of the name or names of any or all of his unmarried infant children of whom he has lawful custody.

Proof
required.

(2) An application under this section shall be accompanied by such proof that the marriage has been dissolved and that the applicant has lawful custody of the children named in the application, as the judge may require.

Consent of
other
parent.

(3) No application under this section shall be granted unless the other parent, if living, of the child or children is served with notice of the application and consents to the change of name.

Application
by divorced
woman who
re-marries.

(4) Notwithstanding subsection 2 of section 3, a woman whose marriage has been dissolved and who re-marries may apply under this section for a change of the surname of her child or children to her surname on re-marriage, but no such

application shall be granted unless her husband, if living, consents. *New.*

7. Notwithstanding subsection 2 of section 3, an unmarried mother who marries, or a widowed mother who re-marries, may make an application, with the consent of her husband, if living, for a change of the surname of her unmarried infant children, not being her husband's children, so that their surname shall be her surname by marriage. *New.*

Application by mother in certain circumstances.

8. Notwithstanding subsection 2 of section 3, a married woman who is deserted by her husband may apply for a change of name, and where she applies for a change of surname she may also apply for a change of the name or names of any or all of her unmarried infant children of whom she has custody, but no such application shall be granted unless her husband is served with notice of the application and consents to the change of name. *New.*

Application by deserted wife.

9.—(1) Where an application includes an application for a change of the name of the wife of the applicant or of any unmarried infant children of the age of fourteen years or over, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application, provided that where a wife has, in the opinion of the judge, been living apart from her husband for a period of five years immediately prior to the application, the judge may hear the application in her absence and without her consent, in which case no change of her name shall be effected. 1939, c. 6, s. 2 (4), *amended.*

Consent of wife and children.

(2) Where, on an application, the consent of any person is required under subsection 3 or 4 of section 6, section 7 or section 8, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application, provided that on an application under section 8 where, in the opinion of the judge, a husband has deserted his wife and is not contributing to the support of his wife or the children on whose behalf the application is made, the judge may hear the application in his absence and without his consent. *New.*

Consent of other parent or husband.

10.—(1) Every application shall be made to a judge of the county or district court of the county or district in which the applicant has resided for a period of one year immediately prior to the making of such application, and shall be heard at such time and place as the judge may appoint in writing. 1939, c. 6, s. 3 (1); 1940, c. 3, s. 1 (1).

Application to judge.

(2) Where the judge who has appointed a time and place for the hearing of the application becomes ill or dies or for

Where judge unable to hear application.

any other reason is unable to hear the application at the time and place so appointed, the application may be heard by another judge of the same county or district court or by any judge who may for the time being be acting as a judge of such court. 1940, c. 3, s. 1 (2).

Application where applicant has not resided in county or district for one year.

11.—(1) Notwithstanding the provisions of subsection 1 of section 10, the applicant may apply to a judge of the county or district court in the county or district in which he resides for authority to make application without having resided in such county or district for a period of one year immediately prior to such application.

Judge may authorize.

(2) The judge shall inquire into the circumstances and if he is satisfied that the applicant would otherwise suffer hardship, he may make an order authorizing the applicant to make application forthwith and such order shall suffice in the stead of the affidavit required by subsection 2 of section 12 in so far as such affidavit refers to residence.

May require additional notice of application to be published.

(3) The judge may in the order require the applicant to publish, in addition to the notice required by subsection 1 of section 13, such additional notice in such counties or districts as he deems necessary, and an affidavit as to publication of such additional notice shall accompany the application for a change of name. *New.*

Particulars of application.

12.—(1) Every application shall set forth,—

- (a) the address and date and place of birth of the applicant;
- (b) where the applicant is a married man, the maiden name in full of his wife, and the date and place of marriage;
- (c) the name in full of his father, and where the applicant is a married man, the name in full of his wife's father;
- (d) the maiden name in full of his mother, and where the applicant is a married man, the maiden name in full of his wife's mother;
- (e) that he is a British subject by birth or naturalization as the case may be;
- (f) his occupation, profession or calling;
- (g) whether he has been convicted of a criminal offence and the particulars of any such offence;

- (h) a statement containing full particulars of any judgment or action pending against him, or any chattel mortgage, lien or other registered encumbrance against his personal property, or if none, a statement to that effect;
 - (i) the name proposed to be adopted;
 - (j) a statement containing full particulars of any change of name effected previously, or if none, a statement to that effect;
 - (k) the names, ages and other similar particulars with respect to all other persons whose names may be changed as a result of the application; and
 - (l) a statement of the reasons for desiring the change of name. 1939, c. 6, s. 4 (1), *amended*.
- (2) Every application shall be accompanied by an affidavit of the applicant deposing,—
- (a) that he has resided in the county or district in which the application is made for a period of not less than one year immediately prior to the making of the application;
 - (b) that the statements contained in the application are true; and
 - (c) that the application is made by the applicant in good faith and for no improper purpose. 1939, c. 6, s. 4 (2); 1940, c. 3, s. 2.
- (3) Every application shall be accompanied by,—
- (a) a certificate of the sheriff of the county or district in which the application is made, and of every other county or district the judge may direct, as to the existence of any unsatisfied executions in his hands against the property of each person of the full age of twenty-one years whose name may be changed as a result of the application; and
 - (b) a certificate of the Registrar in Bankruptcy as to the appearance in the index book kept pursuant to subsection 3 of section 28 of the *Bankruptcy Act* (Canada) of the name of each person of the full age of twenty-one years whose name may be changed as a result of the application. *New*.

Application
to be ac-
companied
by affidavit.

Certificate
as to
executions
and bank-
ruptcy.

R.S.C.,
c. 11.

Notice of
application.

13.—(1) Every applicant shall publish once in the *Ontario Gazette* and once a week for three consecutive weeks in a newspaper having general circulation in the locality in which he resides, a notice of the application stating the name and address and proposed name of every person whose name may be changed as a result of the application, and the time and place of the hearing of the application.

Time of
application.

(2) No application shall be heard until the expiration of fourteen days after the date of the last publication of the notice. 1939, c. 6, s. 5 (1, 2), *amended*.

Documents
to be filed.

14. Every applicant shall file with the clerk of the court in which the application is made,—

- (a) the application with the affidavit referred to in subsection 2 of section 12, in duplicate;
- (b) all certificates required under subsection 3 of section 12;
- (c) an affidavit as to publication of the notice of application;
- (d) the appointment for the hearing; and
- (e) if the applicant is a British subject by naturalization, a notarial copy of his naturalization certificate. 1939, c. 6, s. 6; 1940, c. 3, s. 3, *amended*.

Hearing.

15.—(1) At the hearing the judge may require the applicant, any person whose name may be changed as a result of the application or any other person appearing on the hearing, to give evidence under oath and may examine or cross-examine any such person or permit any such person to be examined or cross-examined.

Objections.

(2) Any person who objects to a change of name and any person who desires to furnish the court with any information regarding the application or any circumstances connected therewith, may appear upon the hearing of the application and shall be heard. 1939, c. 6, s. 7 (1, 2), *amended*.

Refusal of
application.

16.—(1) Where the judge is of opinion that the name which the applicant seeks to adopt is the same as the name of any other person or resembles the name of any other person to such an extent that the change applied for might reasonably cause mistake or confusion, or be a cause of embarrassment or inconvenience to such person, or that the change of name is sought for any improper purpose or is on any other ground objectionable or that the application should be refused for

any other reason, he shall refuse the application. 1939, c. 6, s. 7 (3).

(2) Where the judge, upon consideration of the application, ^{Granting of application.} the material filed and any other evidence adduced, is of opinion that the application should be granted, he may make an order effecting the change of name.

(3) An order made under this section may provide for such ^{Scope of order.} changes of names as the court may deem proper having regard to the nature of the application, the relationship and status of other persons mentioned in the application and all other relevant circumstances and every such order shall have effect according to the tenor thereof. 1939, c. 6, s. 8, *amended*.

17. The clerk of the court shall enter the order and transmit ^{Certified copy to Registrar-General.} a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit, to the Registrar-General. 1939, c. 6, s. 9 (1), *amended*.

18.—(1) The clerk of the court shall send to the appro- ^{Notice of judgment, etc., sent to sheriff or clerk.} priate sheriff or court clerk full particulars of the order made and of any judgment, pending action, chattel mortgage, lien or other registered encumbrance shown upon the application.

(2) Such sheriff or court clerk shall enter and re-index ^{Idem.} such judgment, pending action, chattel mortgage, lien or other registered encumbrance under the name as changed. *New.*

19. Any person may, upon payment of the prescribed fee, ^{Certificates issued to applicants.} obtain from the clerk of the court in which the order was made a certificate of any order effecting a change of name, and such certificate shall for all purposes be conclusive evidence of its contents. 1939, c. 6, s. 10, *amended*.

20. Subject to the provisions of *The Vital Statistics Act, 1948*, without restricting the effect which a change of name may have at law, any person whose name has been changed under this Act shall, upon production of a certificate obtained under section 19 and upon satisfactory proof of identity, be entitled to have a memorandum of the change of name endorsed on any record, certificate, instrument, document, contract or writing, whether public or private, upon payment of such fee as may be prescribed therefor by or under any statute. 1939, c. 6, s. 11, *amended*. ^{Substitution of new name in documents. 1948, c. 97.}

21.—(1) Any person who has reason to believe that any ^{Application for annulment.} order effecting a change of name has been obtained by fraud or misrepresentation or for an improper purpose may apply to a judge of the county or district court in which such order was made for an annulment of the order.

Affidavit
giving
reasons.

(2) Every application for an annulment shall be accompanied by an affidavit of the person making the application in which his reasons for believing that such order was obtained by fraud or misrepresentation or for any improper purpose shall be set forth.

Hearing of
application.

(3) The judge may refuse such application without hearing further representations or evidence or may direct that the person applying for the annulment and any other persons shall be heard at such time and place as the court may determine and that notice of the hearing shall be given to such persons and in such manner as the court may direct.

Annulment
of order.

(4) If the judge is satisfied that the order was obtained by fraud or misrepresentation or for an improper purpose, he may order the annulment of the order in whole or in part. 1939, c. 6, s. 12 (1-4).

Clerk to
note annul-
ment.

(5) The clerk of the court shall endorse a memorandum of such annulling order upon the entry of the order annulled in whole or in part and shall send a certified copy of the annulling order to the Registrar-General, and where appropriate by reason of the provisions of section 18, to the proper sheriff or clerk of the court who shall amend his records in accordance with the order. 1939, c. 6, s. 12 (5), *amended*.

Where
change
of name
annulled.

(6) Where a change of name has been annulled, the Registrar-General may by order require any person to whom a certificate has been issued under the provisions of section 19, to forthwith deliver up the certificate and any person who refuses or neglects to comply with such order shall be guilty of an offence and liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a period not exceeding three months. 1939, c. 6, s. 12 (7), *amended*.

Fraud or
misrepresen-
tation.

22.—(1) Any person who by fraud or misrepresentation obtains a change of name under the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding six months. 1939, c. 6, s. 12 (8).

Recovery
of penalty.
Rev. Stat.,
c. 136.

(2) The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. 1939, c. 6, s. 12 (9), *amended*.

Regulations.

23. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing forms of applications, affidavits and certificates;

- (b) prescribing the fees payable upon any application and upon any certificate, search or other matter required or permitted to be given or done under this Act and to whom such fees shall be payable;
- (c) providing for the return of any fee upon an application or part of such fee where the application is refused; and
- (d) generally for the better carrying out of the provisions of this Act. 1939, c. 6, s. 14.

24. *The Change of Name Act, 1939*, and *The Change of Name Amendment Act, 1940*, are repealed. <sup>1939, c. 6;
1940, c. 3;
repealed.</sup>

25. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. <sup>Commence-
ment of Act.</sup>

26. This Act may be cited as *The Change of Name Act*, ^{Short title.} 1948.

CHAPTER 10.

The Cheese and Hog Subsidy Act, 1948.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of ^{1941, c. 11,} *The Cheese and Hog Subsidy Act, 1941*, ^{continued in} *The Cheese and Hog Subsidy Act, 1942*, ^{force.} *The Cheese and Hog Subsidy Act, 1943*, ^{1942, c. 6;} *The Cheese and Hog Subsidy Act, 1944*, ^{1943, c. 3;} *The Cheese and Hog Subsidy Act, 1945*, ^{1944, c. 8;} *The Cheese and Hog Subsidy Act, 1946*, or ^{1945 (2nd} *The Cheese and Hog Subsidy Act, 1947*, ^{Sess.), c. 1;} all the other provisions ^{1946, c. 8;} of *The Cheese and Hog Subsidy Act, 1941*, shall continue in ^{1947, c. 12.} force and have effect until the 31st day of March, 1949.

2. This Act shall come into force on the 1st day of April, ^{Commence-} ^{ment of Act.} 1948.

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1948*. ^{Short title.}

CHAPTER 11.

An Act to amend The Commissioners for taking Affidavits Act.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Commissioners for taking Affidavits Act*, Rev. Stat., c. 121, s. 2, as amended by section 5 of *The Statute Law Amendment Act*, re-enacted. 1938, is repealed and the following substituted therefor:

- 2.—(1) Every member of the Assembly shall be *ex officio* Members of Assembly. a commissioner for taking affidavits in Ontario.
- (2) Every solicitor of the Supreme Court and every Solicitors and barristers. member of the Bar of Ontario shall be *ex officio* a commissioner for taking affidavits in Ontario.
- (3) The clerk and treasurer of every county shall be *ex officio* Municipal clerks and treasurers. a commissioner for taking affidavits in the county and the clerk and treasurer of every other municipality shall be *ex officio* a commissioner for taking affidavits in the county or district in which the municipality is situate.
- (4) The head of every municipal council, the reeve of Heads of municipal councils, etc. every town, every deputy reeve and every controller and alderman of a city, shall be *ex officio* a commissioner for taking affidavits in the county or district in which the municipality is situate.

2. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1948.* Short title.

CHAPTER 12.

An Act to amend The Community Halls Act.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Community Halls Act* Rev. Stat., c. 284, s. 2, subs. 1, amended. is amended by striking out the symbol and figures "\$2,000" in the eighth line and inserting in lieu thereof the symbol and figures "\$5,000", and by adding at the end thereof the words "or any one village", so that the said subsection shall now read as follows:

- (1) The Minister may grant aid to the municipal corporation of a township or incorporated village for the purpose of assisting in providing for a community hall or the establishment and laying out of an athletic field, but such grant shall not exceed an amount equal to twenty-five per centum of the cost of the building or that part of the building designed for a community hall or of the cost of the athletic field, nor shall such grant exceed the sum of \$5,000, but grants may be made for the establishment of more than one community hall or athletic field by the corporation of any one township or any one village. Granting aid to township or village for community hall and athletic field.

2. Section 6 of *The Community Halls Act* is amended by adding thereto the following subsection: Rev. Stat., c. 284, s. 6, amended.

- (10) Where a township school area has been established under *The Public Schools Act* this section shall apply *mutatis mutandis* to the area or any part thereof. Township school areas.

3. Section 7 of *The Community Halls Act* is amended by adding thereto the following subsection: Rev. Stat., c. 284, s. 7, amended.

- (4) The board of a community hall or athletic field or both, as the case may be, may make such rules as it deems necessary relating to the management and Board may make rules and fix charges.

control thereof and may fix such charges therefor as it deems advisable.

Short title.

4. This Act may be cited as *The Community Halls Amendment Act, 1948*.

CHAPTER 13.

An Act to amend The Companies Act.

*Assented to March 31st, 1948.**Section 6 assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Companies Act* is repealed.

Rev. Stat.,
c. 251, s. 15,
repealed.

- 2.—(1) Subsection 1 of section 17 of *The Companies Act* is amended by adding thereto the following clauses:

Rev. Stat.,
c. 251, s. 17,
subs. 1,
amended.

(k) converting a private company into a public company;

(l) converting a public company into a private company.

- (2) Subsection 2 of the said section 17 is amended by adding at the end thereof the words "and in the case of the conversion of a public company into a private company the application shall not be made until the by-law has been confirmed by the consent in writing of all the shareholders", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 251, s. 17,
subs. 2,
amended.

- (2) The application shall not be made until the by-law has been confirmed, in the case of a company, by a vote of the shareholders present or represented by proxy, at a general meeting duly called for considering the same, and holding not less than two-thirds of the issued capital stock represented at such meeting or, in the case of a corporation not having share capital, by a vote of two-thirds of the members so present or represented as the case may be, and in the case of the conversion of a public company into a private company the application shall not be made until the by-law has been confirmed by the consent in writing of all the shareholders.

Confirming
by-law.

3. Subsection 2 of section 30 of *The Companies Act* is amended by striking out the word "company" in the second and third lines and inserting in lieu thereof the word "corporation", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 251, s. 30,
subs. 2,
amended.

Cancellation
of charter
on default
in filing of
returns.

- (2) The letters patent may be cancelled by order of the Lieutenant-Governor in Council if it appears that the corporation is in default for a period of one year in filing the annual returns, and that notice of such default has been sent by registered mail to each director of record in the Department of the Provincial Secretary to the latest address stated therein, and that such notice has been inserted once in the *Ontario Gazette*.

Rev. Stat.,
c. 251, s. 59,
amended.

4. Section 59 of *The Companies Act* is amended by striking out the words "upon the passing of a by-law authorizing the payment of a dividend upon shares" in the first and second lines and inserting in lieu thereof the words "upon declaring a dividend upon shares," so that the said section shall now read as follows:

Closing
transfer
books
pending
distribution
of dividend.

59. The directors, upon declaring a dividend upon shares, may direct that no entry of transfers shall be made in the books of the company for a period of two weeks immediately preceding the payment of such dividend, and payment thereof shall be made to the shareholders of record on the date of closing such books.

Rev. Stat.,
c. 251, s. 135,
amended.

5. Section 135 of *The Companies Act* is amended by adding thereto the following subsections:

Effect of
filing.

- (2) The transmission or filing of a copy of the by-law shall be deemed to be and always to have been directory only and not a condition precedent to the validity of the by-law.

Penalty.

- (3) If a company fails to comply with subsection 1 it shall be liable on summary conviction to a penalty of not more than \$100, and every director and officer of the company who authorizes or permits such failure shall, on summary conviction, be liable to a like penalty.

Rev. Stat.,
c. 251, s. 300,
subs. 1, cl. g,
amended.

- 6.—(1) Clause g of subsection 1 of section 300 of *The Companies Act*, as amended by subsection 2 of section 3 of *The Statute Law Amendment Act, 1939* and section 1 of *The Companies Amendment Act, 1945*, is further amended by adding at the end thereof the words "or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of sixty per centum of the value aforesaid or in excess of the amount which may be loaned hereunder in accordance with *The National Housing Act, 1944* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by

a municipality under *The Housing Development Act, 1948*", so that the said clause shall now read as follows:

- (g) real estate or leaseholds for a term or terms of years **Real estate.**
 or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of *The National Housing Act, 1938* (Canada), ^{1938, c. 49;}
 or *The National Housing Act, 1944* (Canada) or any ^{1944-45,}
 amendments thereto, or may make loans on the ^{c. 46}
 security of real estate or leaseholds or other estate (Canada).
 or interest therein in excess of sixty per centum of the value aforesaid or in excess of the amount which may be loaned hereunder in accordance with *The National Housing Act, 1944* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act, 1948*. ^{1948, c. 44.}

- (2) This section shall come into force on the day upon which it receives the Royal Assent. <sup>Commence-
ment of sec-
tion.</sup>

7. This Act may be cited as *The Companies Amendment Act, 1948*. ^{Short title.}

CHAPTER 14.

An Act to amend The Companies Information Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Companies Information Act*, as enacted by section 4 of *The Companies Information Amendment Act, 1947*, is amended by striking out the word "and" at the end of clause *d*, and by adding thereto the following clauses:

Rev. Stat.,
c. 253, s. 7,
(1947,
c. 16, s. 4),
amended.

- (f) notwithstanding subsection 1 of section 3, specifying the information and particulars to be contained in the return mentioned therein;
- (g) notwithstanding subsection 1 of section 3, specifying the date for the filing of the return and the date as of which the information and particulars are to be given in the return mentioned therein; and
- (h) notwithstanding subsection 3 of section 3, specifying the persons who may verify and the method of verifying the return mentioned therein.

2. This Act may be cited as *The Companies Information Amendment Act, 1948*. Short title.

CHAPTER 15.

An Act to amend The Conditional Sales Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2a of section 12 of *The Conditional Sales Act*, as enacted by subsection 3 of section 2 of *The Conditional Sales Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 182, s. 12,
subs. 2a
(1941, c. 14,
s. 2, subs. 3),
repealed.

2. *The Conditional Sales Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 182,
amended.

13.—(1) Where the seller or lender or his assignee, personal representative or authorized agent is a corporation, any notice or renewal statement may be signed, and any verifying affidavit may be made by the president, vice-president, manager, assistant manager, secretary or treasurer thereof, or, in the case of a corporation having a branch office, by the manager, assistant manager or accountant of the branch office.

Notice,
affidavits,
and renewal
statements
in case of a
corporation.

(2) Where the affidavit is made by an officer of a corporation it shall state that the deponent has personal knowledge of the facts therein deposed to.

Contents of
affidavit by
officer of
corporation.

3.—(1) The italicized words in Form 2 in Schedule A of *The Conditional Sales Act* are amended by inserting after the word "*representative*" the words "*or by an officer of a corporation*", so that the said italicized words shall now read as follows:

Rev. Stat.,
c. 182,
Sched. A,
Form 2,
amended.

(Where the affidavit is made by the agent, assignee or personal representative, or by an officer of a corporation, a clause must be added to the following effect:

(2) The italicized words in Form 5 in Schedule A of *The Conditional Sales Act*, as enacted by subsection 2 of section 8 of *The Conditional Sales Amendment Act, 1938*, are amended by inserting after the word "*lender*" the words "*or by an officer of a corporation*", so that the said italicized words shall now read as follows:

Rev. Stat.,
c. 182,
Sched. A,
Form 5
(1938, c. 5,
s. 8, subs. 2),
amended.

(Where the affidavit is made by the assignee, personal representative or agent of the seller or lender, or by an officer of a corporation, a clause shall be added to the following effect:

Short title. **4.** This Act may be cited as *The Conditional Sales Amendment Act, 1948.*

CHAPTER 16.

An Act to amend The Continuation Schools Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Continuation Schools Act*, as re-enacted by section 2 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 1, cl. *b* (1939, c. 44, s. 2), re-enacted.

(*b*) "County pupils" shall mean pupils, "County pupils".

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of the county which is not within a city or separated town or within a high school or grade A or grade B continuation school district, but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county.

(2) Clause *h* of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 1, cl. *h*, re-enacted.

(*h*) "Resident pupils" shall mean pupils, "Resident pupils".

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a grade A or grade B continuation school district, but shall not include pupils residing with their parents or guardians on land which is

exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality within the district.

Rev. Stat.,
c. 359, s. 3a,
subs. 3
(1946,
c. 12, s. 2),
amended.

2. Subsection 3 of section 3a of *The Continuation Schools Act*, as enacted by section 2 of *The Continuation Schools Amendment Act, 1946*, is amended by striking out the words "of the municipalities concerned" in the sixth line and inserting in lieu thereof the words "municipality which, or any part of which, was included in the continuation school district," so that the said subsection shall now read as follows:

Where con-
tinuation
school
district
absorbed as
part of
high school
district.

- (3) Where a continuation school district is absorbed as part of a high school district and the continuation school is dissolved, the high school board and the boards by which such school was established shall each appoint a representative who, with the clerk of each municipality which, or any part of which, was included in the continuation school district, shall be arbitrators to value and determine the rights and obligations of each board with respect to,—

(a) the assets and liabilities of the continuation school board; and

(b) the disposition of the property of the board,

and in the event of dispute the matter shall be referred to the county or district judge having jurisdiction.

Rev. Stat.,
c. 359, s. 5,
subs. 1a
(1938, c. 35,
s. 4, subs. 2),
amended.

3.—(1) Subsection 1a of section 5 of *The Continuation Schools Act*, as enacted by subsection 2 of section 4 of *The School Law Amendment Act, 1938* and amended by section 2 of *The School Law Amendment Act, 1941*, is further amended by adding at the end thereof the words "except that legislative grants shall not be deducted as provided in clause c of subsection 1 thereof", so that the said subsection shall now read as follows:

Fees,—when
payable.

- (1a) If a pupil who resides or whose parent or guardian resides in a grade A or grade B continuation school section or high school district attends any grade A or grade B continuation school situated in a municipality within the county, or a grade A or grade B continuation school in a city or separated town or adjacent county, which is open to county pupils from the county in which he resides because such grade A or grade B continuation school,

- (i) is reasonably accessible to such pupil while the grade A or grade B continuation school in the

section in which he resides is not thus accessible, or

- (ii) provides for such pupil a course of study which is not offered in the school in his own section,

the board of the continuation school section or high school district in which such pupil or his parent or guardian resides shall pay fees to the board of the continuation school section where such pupil attends school and such fees shall be calculated in accordance with the provisions of section 36 of *The High Schools Act*, except that legislative grants shall not be deducted as provided in clause *c* of subsection 1 thereof.

Rev. Stat.,
c. 360.

- (2) The said section 5 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 359, s. 5,
amended.

- (1*b*) The fees paid in any year under subsection 1*a* for the preceding calendar year shall be included in the cost of operating the school conducted by the board paying such fees and shall be deducted by the board providing the instruction from the cost of operating the school attended by such pupils before reporting such cost as a basis for the payment of legislative grants.

Calculation
of grants.

4. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Commence-
ment of Act.

5. This Act may be cited as *The Continuation Schools Amendment Act, 1948*.

Short title.

CHAPTER 17.

The Coroners Act, 1948.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appointment of Coroners.

1. The Lieutenant-Governor in Council may appoint one or more coroners for any municipality or provisional judicial district. R.S.O. 1937, c. 138, s. 2 (1), *amended*. Coroners—
appointment of.

2.—(1) The Lieutenant-Governor in Council may appoint a coroner for Ontario, to be known as supervising coroner, who shall act in an advisory capacity to coroners and who shall have such other powers and perform such other duties as may be prescribed by the regulations. R.S.O. 1937, c. 138, s. 2 (2); 1939, c. 9, s. 1, *amended*. Supervising
coroner—
appointment of;

(2) In lieu of fees the supervising coroner shall be paid, out of the Consolidated Revenue Fund, such salary as may be fixed by the Lieutenant-Governor in Council. *New.*

3.—(1) The Lieutenant-Governor in Council may appoint a coroner, to be known as chief coroner, for any city having a population of more than 100,000 who shall have control over the coroners for the city and who shall have such other powers and perform such other duties as may be prescribed by the regulations. R.S.O. 1937, c. 138, s. 3 (1-3), *amended*. Chief
coroners—
appointment of;

(2) In lieu of fees every chief coroner shall be paid half-yearly by the corporation of the city such salary as may be fixed by the Lieutenant-Governor in Council, and the Corporation of the City of Toronto shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-third of such salary, and the corporation of any other city having a chief coroner shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-half of such salary. 1946, c. 14, s. 1, *amended*. salaries.

Appoint-
ments to
be filed.

4. A certified copy of the Order-in-Council appointing a coroner shall be sent by the Inspector of Legal Offices to the clerk of the peace of the county or district in which the coroner is to act, and shall be filed by him in his office. R.S.O. 1937, c. 138, s. 4, *amended*.

Extended
jurisdic-
tion.

5. The Attorney General may in writing direct any coroner to act in any designated municipality or provisional judicial district in addition to the municipality or provisional judicial district for which he was appointed, and a coroner to whom such direction is given shall have the same powers and perform the same duties within the designated municipality or provisional judicial district as a coroner appointed for the designated municipality or provisional judicial district. R.S.O. 1937, c. 138, s. 2 (4), *amended*.

Where
magistrates
may act.

6. The Attorney General or the Crown attorney for the district may in writing direct any magistrate in a provisional judicial district to act as a coroner for the district and a magistrate to whom such direction is given shall have the same powers and perform the same duties within the district as a coroner appointed for the district. R.S.O. 1937, c. 138, s. 2 (5), *amended*.

Investigations.

Duty to
give infor-
mation to
coroner.

7.—(1) Every practitioner, funeral director or embalmer and every person occupying a house in which a deceased person was residing, who has reason to believe that the deceased person died as a result of violence or misadventure or by unfair means or as a result of negligence or misconduct or malpractice on the part of others, or from any cause other than disease or under such circumstances as may require investigation, shall immediately notify a coroner having jurisdiction in the place where the body of the deceased person is, of the facts and circumstances relating to the death.

Where no
medical
attendant.

(2) The notice required by subsection 1 shall be given in every case where such practitioner, funeral director, embalmer or occupant is aware that the deceased had been suffering from disease or sickness and had not been treated or attended by a legally qualified medical practitioner. R.S.O. 1937, c. 138, s. 7 (1, 2); 1942, c. 34, s. 6 (1).

No embalm-
ing, etc.,
of body.

8. Where there is reason to believe that a deceased person died in any of the circumstances mentioned in section 7, the body of the deceased person shall not be embalmed or cremated and no chemical shall be applied to it externally or internally and no alteration of any kind shall be made thereto until the coroner so directs. R.S.O. 1937, c. 88, s. 36, *part, amended*.

9. Every person who fails to comply with section 7 or 8 ^{Penalty.} shall be guilty of an offence and shall upon summary conviction be liable to a penalty of not more than \$500 and to imprisonment for a term of not more than six months, or both. *New.*

10.—(1) Where a coroner is informed that there is within his jurisdiction the body of a deceased person and that there is reason to believe that the deceased person died in any of the circumstances mentioned in section 7 he shall issue his warrant to take possession of the body and shall view the body and make such further investigation as may be required to enable him to determine whether or not an inquest is necessary. ^{Warrant for possession of body; investigation.} R.S.O. 1937, c. 138, s. 7 (3), *amended.*

(2) The coroner may, with the consent of the Crown ^{Experts.} attorney, employ experts to assist him in the investigation. R.S.O. 1937, c. 138, s. 7 (4), *amended.*

(3) After the issue of the warrant no other coroner shall ^{Jurisdiction.} issue a warrant or interfere in the case, except under the instructions of the Attorney General or the Crown attorney or where it is otherwise provided in the regulations. R.S.O. 1937, c. 138, s. 7 (5), *amended.*

11.—(1) Where a death occurs at a place that is difficult ^{Where death occurs in inaccessible place.} for the coroner who has issued his warrant to take possession of the body to attend, he may, with the consent of the Crown attorney, authorize and direct a legally qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further investigation as may be required to enable the coroner to determine whether or not an inquest is necessary and to report to him.

(2) Upon receipt of the report the coroner shall proceed as ^{Coroner to decide if inquest necessary.} if he himself had viewed the body and made the investigation. 1939, c. 9, s. 2, *amended.*

12.—(1) Where the coroner determines that an inquest is unnecessary he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney a statutory declaration setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*. ^{Warrant for burial where inquest unnecessary.} Rev. Stat., c. 88.

(2) Notwithstanding that the matters mentioned in sub-section 1 have taken place the Attorney General or the Crown ^{Crown may direct inquest.} attorney may direct the coroner who decided that an inquest

was unnecessary, or some other coroner, to hold an inquest upon the body, and the coroner to whom such direction is given shall forthwith issue his warrant for an inquest and hold the same accordingly. R.S.O. 1937, c. 138, s. 10, *amended*.

Inquests.

Warrant for inquest.

13. Where the coroner determines that an inquest is necessary he shall issue his warrant for the holding of an inquest, and shall forthwith transmit to the Crown attorney a statutory declaration setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held. R.S.O. 1937, c. 138, s. 8, *amended*.

Authority to hold inquest.

14. No inquest shall be held unless the Attorney General, the Crown attorney or the supervising coroner directs the holding thereof or consents thereto, or unless the holding of the inquest is required by this or any other Act of this Legislature or any Act of the Parliament of Canada. 1939, c. 9, s. 4, *part, amended*.

Death due to events occurring beyond jurisdiction.

15. Where a coroner has issued his warrant to take possession of a body within his jurisdiction and it appears that the death* occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as may be required to enable him to determine whether or not an inquest is necessary and where he determines that an inquest is necessary he may, with the consent of the Crown attorney, at any time during the course of the proceedings, transfer the inquest to a coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the body was within his jurisdiction and he had issued the warrant; but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the *post mortem* examination of the body, and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him. R.S.O. 1937, c. 138, s. 9, *amended*.

Where body destroyed or removed from Ontario.

16. Where a coroner has reason to believe that a death has occurred in circumstances that warrant the holding of an inquest but, owing to the destruction of the body in whole or in part or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of this section, he may report the facts to the Attorney General and the Attorney General may direct an inquest to be held touching the death, in which case an inquest shall be held by the coroner making the report or by such other

*Amended 1948, c. 87, s. 1. See page 443.

coroner as the Attorney General may direct, and the law relating to coroners and coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after a view of the body. 1939, c. 9, s. 4, *part, amended*.

17. Where the Attorney General has reason to believe that a death has occurred in Ontario in circumstances that warrant the holding of an inquest, he may direct any coroner to hold an inquest and the coroner shall hold the inquest into the death in accordance with this Act whether or not his commission extends to the place where the death occurred or where the body is located and whether or not he or any other coroner has viewed the body, made any investigation, held any inquest or done any other act in connection with the death. 1939, c. 9, s. 4, *part, amended*.

18.—(1) Where a person has been charged with a criminal offence arising out of a death an inquest touching the death shall be held only upon the direction of the Attorney General.

(2) Where during an inquest any person is charged with a criminal offence arising out of the death, the coroner shall discharge the jury and close the inquest, and shall then proceed as if he had determined that an inquest was unnecessary, provided that the Attorney General may direct that the inquest be re-opened. 1939, c. 9, s. 4, *part, amended*.

19.—(1) No coroner shall conduct an inquest upon the body of a person whose death has occurred on a railway or at a mine or other work that he owns in whole or in part or that is owned or operated by a company in which he is a shareholder, or in respect of which he is employed as medical attendant or in any other capacity by the owner thereof, or under any agreement or understanding, direct or indirect, with the employees thereof. R.S.O. 1937, c. 138, s. 6, *amended*.

(2) Where a coroner conducts an inquest in violation of this section he shall incur a penalty of not less than \$100 and not more than \$500, to be sued for and recovered by anyone in any court of competent jurisdiction.

(3) It shall be sufficient for the plaintiff in any such action to allege that the defendant is indebted to him in the sum claimed and the particular inquest for which the action is brought and that the defendant has acted in violation of this Act.

(4) The action shall be commenced within one year after

the inquest was held and shall be tried by a judge without a jury. R.S.O. 1937, c. 138, s. 43, *amended*.

Power of
coroner to
take charge
of wreckage.

20.—(1) Where a coroner has ordered an inquest upon the body of a person who has met death by violence in any wreck, the coroner may take charge of the wreckage and place a constable or constables in charge thereof so as to prevent persons from disturbing the wreckage until the jury at the inquest has viewed the same, or the coroner has made such examination as he deems necessary. R.S.O. 1937, c. 139, s. 13 (1), *amended*.

View to be
expedited.

(2) The jury or coroner, as the case may be, shall view the wreckage at the earliest moment possible. R.S.O. 1937, c. 138, s. 13 (3).

Deaths in Homes for the Aged.

Death of
inmate of
home for
the aged.

21. Where an inmate of a county or district home for the aged dies, the superintendent or other officer in charge shall immediately give notice of the death to a coroner and the coroner shall investigate the circumstances of the death and if, as a result of such investigation he is of opinion that an inquest ought to be held he shall issue his warrant and hold an inquest upon the body. R.S.O. 1937, c. 138, s. 14, *amended*.

Deaths in Gaols, etc.

Death of
prisoner.

22. Where a prisoner in a gaol, reformatory, industrial farm or lock-up dies, the gaoler, superintendent or keeper thereof shall immediately give notice of the death to a coroner, and the coroner shall issue his warrant and hold an inquest upon the body. R.S.O. 1937, c. 138, s. 15, *amended*.

Post Mortems.

Post mortem
where in-
quest held;

23.—(1) The coroner may, by his warrant, at any time before the termination of the inquest, direct that a *post mortem* examination of the body be made by a legally qualified medical practitioner, and that an analysis be made of the blood, urine, or the contents of the stomach and intestines or that such other special examination or analysis be made as the circumstances warrant. R.S.O. 1937, c. 138, s. 19 (1), *amended*.

where no
inquest
held.

(2) Where no inquest is held, no *post mortem* examination or analysis shall be made without the consent in writing of the Attorney General, the Crown attorney or the supervising coroner. R.S.O. 1937, c. 138, s. 19 (2); 1942, c. 34, s. 6 (2), *amended*.

Counsel.

24.—(1) Every coroner, before holding an inquest, shall notify the Crown attorney of the time and place at which it is to be held and the Crown attorney may, and if directed by the Attorney General shall, attend the inquest and may examine or cross-examine the witnesses. R.S.O. 1937, c. 138, s. 16 (1), *part, amended.* Notice to Crown attorney.

(2) The Attorney General may be represented at any inquest by counsel in addition to or in lieu of the Crown attorney and such counsel shall have the same powers as the Crown attorney under subsection 1. R.S.O. 1937, c. 138, s. 16 (2), *amended.* Special counsel.

Witnesses.

25.—(1) The coroner shall summon such persons to attend an inquest as he deems advisable or as may be specified by the Crown attorney or the counsel for the Attorney General. R.S.O. 1937, c. 138, s. 16 (1), *part, amended.* Witnesses.

(2) In addition to any other powers which he may possess a coroner shall have the same power to issue summonses to witnesses, to enforce their attendance and to punish for non-attendance or refusing to give evidence as is possessed by the Supreme Court. Powers of coroners re witnesses.

(3) A fine imposed for non-attendance or refusal to give evidence shall not, in the case of a medical practitioner, exceed \$40, and in the case of any other witness shall not exceed \$10. R.S.O. 1937, c. 138, s. 39. Fine for non-attendance.

(4) A witness shall be deemed to have objected to answer any question upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown, or of any person, and the answer so given shall not be used or be receivable in evidence against him in any trial or other proceeding against him thereafter taking place, other than a prosecution for perjury in giving such evidence. 1939, c. 9, s. 6. Answer not receivable against witness.

Juries.

26.—(1) The number of jurymen to be summoned to serve on an inquest shall be five and where less than five of the jurymen so summoned appear at the time and place appointed for the inquest, the coroner may direct a constable to name and appoint so many persons then present or who can be found as will make up a jury of five. 1939, c. 9, s. 7, *amended.* Coroner's jury.

Penalty
for non-
attendance.

(2) Where a person duly summoned to serve as a juror does not attend, the coroner may impose upon him a fine of not more than \$10. R.S.O. 1937, c. 138, s. 42, *amended*.

Inquest
without jury
in district.

(3) Where an inquest is held in a provisional judicial district the coroner may, with the consent in writing of the Crown attorney, hold the inquest without a jury. R.S.O. 1937, c. 138, s. 23.

Qualifica-
tion of
jurors.

27. A person shall not be qualified to serve as a juror unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror, nor shall a person who has acted as a juror at an inquest act in a similar capacity within one year. R.S.O. 1937, c. 138, s. 24; 1939, c. 9, s. 8.

Disquali-
fication.

28. An officer, employee or inmate of a home for the aged, hospital, mental hospital, charitable institution, gaol, reformatory, industrial farm or lock-up shall not be qualified to serve as a juror at an inquest upon the body of a person who died therein. R.S.O. 1937, c. 138, s. 25, *amended*.

View of body
may be dis-
penssed with.

29. It shall not be necessary for a jury to view the body upon which an inquest is being held if the coroner, with the consent in writing of the Crown attorney, directs that the viewing of the body shall be dispensed with. R.S.O. 1937, c. 138, s. 27, *amended*.

Majority.

30. A verdict or finding may be returned by a majority of the jurors sworn. R.S.O. 1937, c. 138, s. 22 (2), *amended*.

Service of Summonses.

Service of
summonses.

31. A summons to a juror or to a witness may be served by personal service or by sending it by prepaid registered mail addressed to the usual place of abode of the person summoned. 1942, c. 34, s. 6 (3), *amended*.

Stenographers.

Taking
evidence in
shorthand.

32.—(1) The evidence upon an inquest or any part of it, with the consent in writing of the Crown attorney, may be taken in shorthand by a stenographer who may be appointed by the coroner, and who before acting shall make oath that he will truly and faithfully report the evidence, and where evidence is so taken it shall not be necessary that it be read over to or signed by the witness, but it shall be sufficient if the transcript is signed by the coroner and is accompanied by an affidavit of the stenographer that it is a true report of the evidence. R.S.O. 1937, c. 138, s. 40 (1), *amended*.

(2) It shall not be necessary to transcribe the evidence taken by a stenographer unless the Attorney General or Crown attorney orders that it shall be done or unless any other person requests a copy of the transcript and pays to the stenographer the fees therefor. 1939, c. 9, s. 9.

Interpreters.

33. A coroner may, and if required by the Crown attorney shall, employ a person to act as interpreter at an inquest, and such person may be summoned to attend the inquest and before acting shall make oath that he will truly and faithfully translate the evidence. R.S.O. 1937, c. 138, s. 41 (1), *amended*.

Constables.

34. A coroner may appoint such persons as constables as he deems necessary for the purpose of assisting him in an inquest and before acting every such constable shall make oath that he will faithfully perform his duties. *New*.

Returns.

35. The coroner shall forthwith, after an inquest, return the verdict or finding, and every recognizance taken before him, with the evidence where the Attorney General or Crown attorney has ordered it to be transcribed, and the exhibits, to the Crown attorney. R.S.O. 1937, c. 138, s. 45; 1939, c. 9, s. 10, *amended*.

Accommodation, Stationery, etc.

36. The municipality or provisional judicial district for which a coroner is appointed or in which he is directed to act shall provide him with,—

(a) necessary stationery, forms and postage;

(b) a suitable place for holding inquests; and

(c) a suitable place for holding *post mortem* examinations,

but if a suitable place is not provided, the coroner may procure a suitable place and the cost thereof, when approved by the Crown attorney and certified by the coroner, shall be paid by the treasurer of such municipality or provisional judicial district. R.S.O. 1937, c. 138, s. 5, *part*; s. 46, *amended*.

Fees.

37.—(1) Coroners' fees and mileage allowances for holding

investigations and inquests shall be those set out in Schedule A, provided that where the Attorney General is of opinion that the prescribed fees are insufficient having regard to the special circumstances of any investigation or inquest, he may approve a larger fee to any coroner. R.S.O. 1937, c. 138, s. 31 (1, 2), *amended*.

Crown
attorneys';
Rev. Stat.,
c. 141.

(2) Crown attorneys' fees and expenses for attending inquests shall be those set out in *The Administration of Justice Expenses Act*.

constables';

(3) Constables' fees and mileage allowances for services rendered in connection with an inquest shall be those set out in *The Administration of Justice Expenses Act*. *New*.

witnesses'
and jurors';

(4) Witnesses' and jurors' fees and mileage allowances for attending inquests shall be those set out in Schedule B. R.S.O. 1937, c. 138, ss. 17, 26, *amended*.

steno-
graphers';

Rev. Stat.,
c. 102.

(5) Stenographers' fees for services rendered in connection with an inquest shall be upon the scale appointed for shorthand writers under *The County Judges Act*, and when certified by the coroner shall be paid in the same manner as witness fees. R.S.O. 1937, c. 138, s. 40 (2), *amended*.

interpre-
ters';

(6) Interpreters' fees for services rendered at an inquest shall be such as are deemed reasonable by the Crown attorney and when certified by the coroner shall be paid in the same manner as witness fees. R.S.O. 1937, c. 138, s. 41 (2), *amended*.

medical
examiners'.

(7) The fees for *post mortem* examinations and analyses shall be those set out in Schedule C. *New*.

Payment of Fees.

Coroners'
accounts.

38.—(1) The coroner shall render the account for his fee and mileage allowance for holding an investigation or inquest to the treasurer of the jurisdiction responsible for the payment of the expenses of the administration of justice in which the investigation or inquest is held, and when the account has been audited by the County Board of Audit, or where the investigation or inquest is held in a provisional judicial district, by the Auditor of Criminal Justice Accounts, the treasurer shall pay the amount specified therein. *New*.

Crown
attorneys'
and con-
stables'
accounts.

(2) The Crown attorney's account for his fee and expenses for attending an inquest and a constable's account for his fee and travelling expenses for services rendered in connection with an inquest shall be rendered and paid in the manner provided in *The Administration of Justice Expenses Act*. *New*.

(3) The coroner shall give to every witness and juror entitled to a fee and mileage allowance and to every stenographer and interpreter entitled to a fee an order on the treasurer of the jurisdiction responsible for the payment of the expenses of the administration of justice in which the inquest is held, for the payment thereof, and upon presentation of the order the treasurer, if satisfied of the correctness thereof, shall pay the amount specified therein. R.S.O. 1937, c. 138, s. 28, *amended*.

Witnesses',
jurors',
steno-
graphers',
and inter-
preters'
accounts.

(4) A legally qualified medical practitioner shall render his account for his fee,—

Post mortem
examination
accounts.

(a) for any *post mortem* examination or analysis under item 1 or 2 of Schedule C, to the treasurer of the jurisdiction responsible for the payment of the expenses of the administration of justice in which the investigation or inquest is held, and when the account has been audited by the County Board of Audit or, where the investigation or inquest was held in a provisional judicial district, by the Auditor of Criminal Justice Accounts, the treasurer shall pay the amount specified therein; or

(b) for any examination or analysis under item 3 of Schedule C, in the manner provided in *The Administration of Justice Expenses Act*. *New*.

Rev. Stat.,
c. 141.

Responsibility for Cost.

39. Where an investigation or inquest is held by a coroner in a provisional judicial district, the cost thereof shall be payable by the treasurer of the district as provided in section 38 and when the accounts therefor have been audited by the Auditor of Criminal Justice Accounts the cost shall be paid out of such moneys as may be appropriated therefor by the Legislature as part of the expenses of the administration of justice of the district. *New*.

Cost of
inquests in
districts.

40. Where an investigation or inquest is held by a coroner in that part of Ontario having county organization the cost thereof shall be payable as provided in section 38 by the treasurer of the jurisdiction responsible for the payment of the expenses of the administration of justice in which the investigation or inquest was held, and when the accounts therefor have been audited by the County Board of Audit and the Auditor of Criminal Justice Accounts, the jurisdiction that paid the same shall be reimbursed out of such moneys as may be appropriated therefor by the Legislature for the coroner's fee and mileage allowance, for the constable's fee and mileage allowance and for three-fifths of the fee for any examination or analysis under item 3 of Schedule C. *New*.

Cost of
inquests in
counties.

Provision
for pay-
ment over.

41. Where an investigation or inquest is held and it is found that the cause of death did not arise in the jurisdiction responsible for the payment of the expenses of the administration of justice in which the investigation or inquest was held, the cost thereof shall on demand be repaid by the treasurer of the jurisdiction in which the cause of death arose. R.S.O. 1937, c. 138, s. 29, *amended*.

General.

Payment of
fines.

42. Where a fine is imposed by a coroner under this Act it shall be payable forthwith and if it is not so paid the coroner may commit the person so failing to pay to gaol for a period of not more than ten days. *New*.

Seals not
necessary.

43. In proceedings under this Act it shall not be necessary for any person to affix a seal to any document, and no document shall be invalidated by reason of the lack of a seal even though the document purports to be sealed. R.S.O. 1937, c. 138, s. 49, *amended*.

Regulations.

Regula-
tions.

44. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the powers and duties of the supervising coroner;
- (b) prescribing the powers and duties of chief coroners;
- (c) prescribing the forms required for carrying out this Act. R.S.O. 1937, c. 138, s. 48, *amended*.

Repeal.

Rev. Stat.,
c. 138;
1939, c. 9;
1940, c. 28,
s. 10;
1942, c. 34,
s. 6;
1946, c. 14;
1947, c. 18,
repealed.

45. *The Coroners Act, The Coroners Amendment Act, 1939, section 10 of The Statute Law Amendment Act, 1940, section 6 of The Statute Law Amendment Act, 1942, The Coroners Amendment Act, 1946, and The Coroners Amendment Act, 1947, are repealed.*

Short Title.

Short title.

46. This Act may be cited as *The Coroners Act, 1948*.

SCHEDULE A

Coroners.

1. For all services in an investigation where no inquest is held, a fee of \$10.00.
 2. For all services where an inquest is held in part, a fee of \$15.00.
 3. For all services where an inquest is held and completed, a fee of \$25.00.
 4. For every mile necessarily travelled in connection with an investigation or inquest, a mileage allowance of 15 cents a mile. *New.*
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SCHEDULE B

Witnesses and Jurors.

1. For every day of attendance of a witness or juror who resides within the city, town, village or township in which the inquest is held, a fee of \$1.50.
 2. For every day of attendance of a witness or juror who resides outside the city, town, village or township in which the inquest is held, a fee of \$2.00.
 3. For every day of attendance of a legally qualified medical practitioner as a medical practitioner, a fee of \$5.00.
 4. For every day of attendance of an expert witness such fee, not exceeding \$15.00, as the coroner deems proper or such greater fee as the Attorney General may approve.
 5. For preparing a plan, furnishing any article or doing any work for use at an inquest, in addition to the fee to which the witness would ordinarily be entitled, such special fee as the coroner may deem proper and the Crown attorney may approve.
 6. For every mile necessarily travelled one way from witness' or juror's residence to where the inquest is held, a mileage allowance of 15 cents a mile, provided that where the inquest is held in a city in which the witness or juror resides, the mileage allowance shall be 75 cents. *New.*
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SCHEDULE C

Post Mortem Examinations, etc.

1. For a *post mortem* examination, a fee of \$25.00.
2. For an analysis of the contents of the stomach and intestines, a fee of \$25.00.
3. For any examination or analysis other than those mentioned in items 1 and 2, such fee as is authorized under *The Administration of Justice Expenses Act.* *New.*

CHAPTER 18.

An Act to amend The Corporations Tax Act, 1939.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Corporations Tax Act, 1939*, is amended by striking out the words “one and three-quarters” in the second line and inserting in lieu thereof the word “two”, so that the said subsection, exclusive of the clauses, shall now read as follows: 1939, c. 10, s. 4, subs. 1, amended.

- (1) Every insurance company shall pay a tax in respect of life insurance premiums of two per centum calculated upon the gross premiums received during the fiscal year from policy holders resident in Ontario at the time such premiums were paid excluding,— Life insurance companies.

(2) Subsection 2 of the said section 4 is repealed and the following substituted therefor: 1939, c. 10, s. 4, subs. 2, re-enacted.

- (2) Every insurance company shall pay a tax in respect of premiums other than life insurance premiums of two per centum calculated upon the gross premiums received during the fiscal year by the company or its agent or agents in respect of business transacted in Ontario excluding,— Fire and casualty insurance companies.

- (a) premiums returned;
- (b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario;
- (c) premiums received in respect of business written on the premium note plan; and
- (d) cash value of dividends paid or credited to policy holders by mutual insurance companies.

1939,
c. 10, s. 9a
(1940,
c. 6, s. 1),
re-enacted.

2. Section 9a of *The Corporations Tax Act, 1939*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1940*, the provisions of which were enacted to apply to companies in respect of all fiscal years ending in 1947 and subsequent fiscal years by section 8 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

Further tax
payable by
companies.

9a. Every company upon which taxes are imposed by sections 3, 5, 6, 8 and 9 shall, for every fiscal year of such company, pay an additional tax equal to twenty-five per centum of the taxes imposed by such sections upon such company.

1939,
c. 10, s. 14,
subs. 4,
amended.

3.—(1) Subsection 4 of section 14 of *The Corporations Tax Act, 1939*, as amended by section 1 of *The Corporations Tax Amendment Act, 1939* and section 3 of *The Corporations Tax Amendment Act, 1947*, is further amended by adding thereto the following clauses:

Exploration
for oil and
gas.

(j) An amount equal to the aggregate of the exploration expenses, including all geological and geophysical expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred during its fiscal year with respect to oil wells and natural gas wells in Canada by an incorporated company incorporated for the purpose of exploring for oil wells and natural gas wells in Canada;

Drilling
for oil and
gas.

(k) An amount equal to the aggregate of the drilling expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred with respect to the spudding in or deepening of an oil well or a natural gas well in Canada, by an incorporated company incorporated for the purpose of drilling for oil or natural gas, or the production, refining or marketing of petroleum or petroleum products or of natural gas, provided that no such deduction shall be allowed until such well is abandoned or becomes productive, and

(i) where the well is abandoned the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which such well is abandoned, and

(ii) where the well becomes productive the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the

company during which the well becomes productive and subsequent fiscal years only as and to the extent that the company charges portions of such amount in its accounts as amortization of such well;

- (l) An amount equal to the aggregate of the prospecting ^{Exploration for minerals.} and exploration expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred during its fiscal year in searching for minerals in Canada by an incorporated company the principal business of which is the mining of or searching for minerals, and in this clause the word "minerals" shall not include diatomaceous earth, limestone, marl, peat or building stone, or stone for ornamental or decorative purposes or non-auriferous sand or gravel;
- (m) An amount equal to the aggregate of the develop- ^{Develop- ment of mines.} ment expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred with respect to the development in Canada of a mine as defined in *The Mining Tax Act* by an incor- ^{Rev., Stat., c. 28.} porated company, the principal business of which is the mining of or searching for minerals, provided that no such deduction shall be allowed until such mine is abandoned or becomes productive, and
- (i) where the mine is abandoned the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which such mine is abandoned, and
- (ii) where the mine becomes productive the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which the mine becomes productive and subsequent fiscal years only as and to the extent that the company charges portions of such amount in its accounts as amortization of such mine.

(2) Clauses *k* and *m* of subsection 4 of section 14 of *The* ^{Effect of} *Corporations Tax Act, 1939*, as enacted by subsection 1, shall be effective only with respect to an oil well or natural gas well which is spudded in or the deepening of which commences, and to a mine the development of which commences, during fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years.

1939,
c. 10, s. 17,
subs. 1,
amended.

4.—(1) Subsection 1 of section 17 of *The Corporations Tax Act, 1939*, as amended by section 5 of *The Corporations Tax Amendment Act, 1947*, is further amended by striking out the words “as the Lieutenant-Governor in Council may prescribe” in the ninth and tenth lines and inserting in lieu thereof the words “as is required”, so that the said subsection shall now read as follows:

Companies
to file
annual
return.

- (1) Every company on which a tax is imposed by this Act shall on or before the last day of the month which ends six months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as is required for the purposes of carrying out the provisions of this Act.

1939, c. 10,
s. 17, subs. 3,
repealed.

- (2) Subsection 3 of the said section 17 is repealed.

1939, c. 10,
s. 36, subs. 1,
amended.

5. Subsection 1 of section 36 of *The Corporations Tax Act, 1939*, is amended by adding at the end thereof the words “provided that such lien and charge shall not apply to any mine as defined in *The Mining Tax Act* until the company owning such mine has been assessed for a tax on mining profits under *The Mining Tax Act*”, so that the said subsection shall now read as follows:

Priority
of tax.

- (1) Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the company liable to pay such tax or penalty or both; provided that such lien and charge shall not apply to any mine as defined in *The Mining Tax Act* until the company owning such mine has been assessed for a tax on mining profits under *The Mining Tax Act*.

Proviso.

Rev. Stat.,
c. 28.

1939, c. 10,
s. 40, cl. b,
repealed.

6. Clause *b* of section 40 of *The Corporations Tax Act, 1939*, is repealed.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years.

Short title.

8. This Act may be cited as *The Corporations Tax Amendment Act, 1948*.

CHAPTER 19.

An Act to amend The County Courts Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The County Courts Act* is amended by striking out the words "deputy clerk of the Crown and" in the sixth line, so that the said section shall now read as follows: Rev. Stat., c. 103, s. 10, amended.

10. In the event of the death, resignation or removal from office of the clerk, the clerk of the peace shall, *ex officio*, be the clerk until another person is appointed and assumes the duties of the office, and every clerk of the peace while clerk of the court, shall, except in the County of York, be also *ex officio* registrar of the surrogate court, if the clerk held that office, and in case the clerk was local registrar, the clerk of the peace, while he holds the office of clerk of the court, shall be *ex officio* local registrar. Performance of duties during vacancy.

2. Subsection 2 of section 13 of *The County Courts Act* is repealed. Rev. Stat., c. 103, s. 13, subs. 2, repealed.

3. *The County Courts Act* is amended by adding thereto the following section: Rev. Stat., c. 103, amended.

14a. When it is deemed necessary or expedient in respect of any county or district the Lieutenant-Governor in Council may specify a different opening day for the sittings from those provided in section 12 or 13, or a different opening hour for the sittings from that provided in section 14, in which case the sittings shall be held on the day and at the hour specified. Different opening day and hour.

4. This Act may be cited as *The County Courts Amendment Act, 1948*. Short title.

CHAPTER 20.

An Act to amend The County Judges Act.

Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The County Judges Act* is amended by adding thereto the following subsection: Rev. Stat., c. 102, s. 5, amended.

- (2) In the county court of the County of York all such arrangements as may be necessary or proper for the holding of any of the courts, or the transaction of business, or the arrangement from time to time for judges to hold such courts, or to transact such business, shall be made by the judge and junior judges of the county court of the County of York with power in the judge of the county court of the County of York to make such readjustment or reassignment as may be necessary from time to time. Arrangement of courts.

2. This Act may be cited as *The County Judges Amendment Act, 1948.* Short title.

CHAPTER 21.

An Act to amend The Crown Timber Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Timber Act* is amended by adding thereto the following section: Rev. Stat.,
c. 36,
amended.

2a.—(1) Notwithstanding anything contained in any general or special Act or in any Order-in-Council or regulation made pursuant thereto or in any license, lease, agreement, permit or other document under which the right to cut any kind or class of timber is claimed or exercised, the Lieutenant-Governor in Council may make regulations increasing or decreasing the Crown dues payable in respect of any kind or class of timber and increasing or decreasing the annual ground rent and fire protection charge payable in respect of any timber berth or limit or concession area to take effect at a time to be specified in such regulations. Power to
increase or
decrease
dues and
charges.

(2) Where by the terms of any license, lease, agreement, permit or other document under which the right to cut any kind or class of timber is claimed or exercised, a price is fixed for any kind or class of timber and such price is stated to be inclusive of Crown dues or a price is fixed without reference to Crown dues, such price shall be deemed to be increased or decreased from time to time, as the case may be, by the amount whereby Crown dues may be increased or decreased under subsection 1. Idem.

2. Section 4, section 5 as amended by section 2 of *The Crown Timber Amendment Act, 1947*, section 6 as amended by section 2 of *The Crown Timber Amendment Act, 1939*, and sections 7, 8 and 9 of *The Crown Timber Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 36,
ss. 4, 5, 6, 7,
re-enacted;
ss. 8, 9,
repealed.

Manufac-
turing
conditions.

4. All licenses, leases, agreements, permits or other documents heretofore or hereafter granted or made under which the right exists to cut any kind or class of timber on the ungranted public lands, or on patented lands where the timber on them remains the property of the Crown, shall be subject to the manufacturing conditions set out in the Schedule.

Suspension
of manu-
facturing
conditions.

5. The Lieutenant-Governor in Council may suspend the operation of one or more of the manufacturing conditions for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of any kind or class of timber in an unmanufactured or partially manufactured state during such period, and from such district or districts.

Regulations.

6. The Lieutenant-Governor in Council may make such regulations as may be necessary to enable the Minister to carry into effect the object and intent of the manufacturing conditions.

Penalties.

7. The Lieutenant-Governor in Council may prescribe penalties that may be imposed for contravention of any of the manufacturing conditions.

Rev. Stat.,
c. 36,
amended.

3. *The Crown Timber Act* is amended by adding thereto the following heading and section:

WASTEFUL FOREST PRACTICES.

Wasteful
forest
practices
forbidden.

- 17.—(1) No person shall commit wasteful practices in forest operations.

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations,—

(a) defining wasteful practices in forest operations;
and

(b) prescribing the penalties that may be imposed for contravention of any regulation made under this section.

Recovery of
penalties.

- (3) The penalties provided for by this section shall be recoverable at the suit of and in the name of the Minister in any court of competent jurisdiction.

Rev. Stat.,
c. 36, s. 34,
amended.

4. Section 34 of *The Crown Timber Act* is amended by inserting after the word "Regulations" in the second line the

words "except the Regulations made pursuant to section 17", so that the said section shall now read as follows:

34. The penalties imposed by or under the authority of this Act or of the Regulations, except the Regulations made pursuant to section 17, shall be recoverable under *The Summary Convictions Act*.

Recovery of penalties.

Rev. Stat.,
c. 136.

5. Schedules A, B and C to *The Crown Timber Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 36,
Scheds.
A, B, C,
repealed;
Sched.
enacted.

SCHEDULE.

MANUFACTURING CONDITIONS.

1. All timber that may be cut under the authority of *The Crown Timber Act* shall, except as hereinafter provided, be manufactured in Canada.
2. Felling and cutting trees into lengths shall not be deemed to be manufacturing within the meaning of these conditions.
3. Timber that is used in Canada in an unmanufactured state for fuel, building or other purposes shall not be subject to these conditions

6. This Act may be cited as *The Crown Timber Amendment Act, 1948*.

Short title.

CHAPTER 22.

An Act to amend The Department of Education Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *w* of subsection 1 of section 4 of *The Department of Education Act*, as re-enacted by section 1 of *The Department of Education Amendment Act, 1947*, is amended by adding at the end thereof the words “or the payment of the cost of education of such pupils”, so that the said clause shall now read as follows:

Rev. Stat.,
c. 356, s. 4,
subs. 1, cl. *w*
(1947,
c. 29, s. 1),
amended.

(*w*) governing the attendance at public, separate, high, continuation and vocational schools and collegiate institutes of pupils residing on lands held by the Crown in right of Canada or Ontario, or the payment of the cost of education of such pupils.

(2) Subsection 1 of the said section 4 is further amended by adding thereto the following clauses:

Rev. Stat.,
c. 356, s. 4,
subs. 1
(1947,
c. 29, s. 1),
amended.

(*za*) fixing the method of calculating the cost of education of pupils residing on lands held by the Crown in right of Canada and authorizing boards,

(i) to charge those pupils a fee in accordance with that method, or

(ii) instead of charging those pupils a fee, to enter into an agreement with Canada for the payment of an amount in lieu of the fee;

(*zb*) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes;

(*zc*) prescribing definitions of,

- (i) "approved cost", and providing for the approval of the Minister as a condition in the definition; and

- (ii) "cost of operating",

for the purpose of legislative grants to boards; and

- (zd) prescribing the conditions governing the payment of legislative grants.

Rev. Stat.,
c. 356, s. 4,
subs. 2
(1947,
c. 29, s. 1),
re-enacted.
Idem.

- (3) Subsection 2 of the said section 4 is repealed and the following substituted therefor:

- (2) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) providing for programmes of adult education, recreation, camping, and athletics and physical education;

- (b) prescribing definitions of "area community-programme", "area recreation-committee", "area recreation-director", "assistant", "community programme", "director", "joint community-programme", "joint recreation-committee", "municipal council", "recreation" and "recreation committee";

- (c) prescribing a definition of "approved maintenance and operating costs", and providing for the approval of the Minister as a condition in the definition, for the purpose of legislative grants for programmes of recreation;

- (d) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for,

- (i) programmes of adult education, recreation, camping, and athletics and physical education,

- (ii) the Provincial Athletic Training Camp, and

- (iii) the maintenance of historical, literary and scientific institutions;

- (e) prescribing the conditions governing the payment of grants for,

- (i) programmes of adult education,
 - (ii) programmes of recreation, camping, or athletics and physical education, and providing for the approval of the Minister in any condition, or
 - (iii) the maintenance of historical, literary and scientific institutions;
- (f) authorizing,
- (i) municipal councils to appoint recreation committees, or two or more municipal councils of municipalities having a combined population of under 25,000 to appoint joint recreation-committees, but only with the approval of the Minister,
 - (ii) recreation committees or joint recreation-committees to appoint directors, assistants and secretaries,
 - (iii) joint recreation-committees, or recreation committees in municipalities having a population of at least 25,000, to appoint area recreation-committees and area recreation-directors, and
 - (iv) two or more municipalities to enter into agreements,
- for the purpose of programmes of recreation;
- (g) prescribing the composition of recreation committees, joint recreation-committees and area recreation-committees, and fixing the number of members thereof, for the purpose of programmes of recreation;
 - (h) authorizing the Minister to determine the number of assistants and area community-programmes in respect of which grants may be paid for programmes of recreation;
 - (i) authorizing the payment of special grants for programmes of recreation, but only with the approval of the Minister; and
 - (j) fixing the amount of the grants under clause *i*.

Application
of cl. *a*,
subcl. i of
cl. *d* and
subcl. ii of
clause *e*,
subs. 2.

- (3) For the purposes of clause *a*, subclause i of clause *d* and subclause ii of clause *e*, of subsection 2, "athletics and physical education" shall include recreation for crippled persons under the age of 19 years.

Rev. Stat.,
c. 356,
amended.

2. *The Department of Education Act* is amended by adding thereto the following heading and section:

PROVINCIAL ATHLETIC TRAINING CAMP.

Provincial
camp
continued.

- 12*a*. The athletic camp at Longford, Lake Couchiching, known as the "Provincial Athletic Training Camp", may be continued under the administration and control of the Minister.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Short title.

4. This Act may be cited as *The Department of Education Amendment Act, 1948*.

CHAPTER 23.

The Department of Public Welfare Act, 1948.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

(a) "Department" means Department of Public Welfare; "Department" and

(b) "Minister" means Minister of Public Welfare. R.S.O. "Minister". 1937, c. 61, s. 1; 1946, c. 21, s. 1, *amended*.

2. There shall be a department of the public service of Ontario to be known as the "Department of Public Welfare" over which the Minister shall preside and have charge. R.S.O. 1937, c. 61, s. 2.

Creation of
Department.

3. The Minister shall be responsible for the administration of the following Acts and such other Acts as may be assigned to him by the Lieutenant-Governor in Council,—

Jurisdiction
of Minister.

R.S.O. 1937, c. 61, s. 3; 1946, c. 21, s. 2, *amended*.

(a) *The Adoption Act;*

(b) *The British Child Guests Act, 1941;*

(c) *The Charitable Institutions Act;*

(d) *The Children of Unmarried Parents Act;*

(e) *The Children's Protection Act;*

(f) *The Day Nurseries Act, 1946;*

(g) *The District Homes for the Aged Act, 1947;*

(h) *The Homes for the Aged Act, 1947;*

(i)

- (i) *The Mothers' Allowances Act, 1948*;
- (j) *The Old Age Pensions Act, 1948*; and
- (k) *The Unemployment Relief Act, 1935. New.*

Powers of
Minister.

4. The Minister may,—

- (a) institute inquiry into and collect information and statistics relating to all matters of public welfare;
- (b) disseminate information in such manner and form as may be found best adapted to promote public welfare;
- (c) secure the observance and execution of the provisions of all Acts and regulations dealing with matters of public welfare;
- (d) cause investigation to be made into all activities, agencies, organizations, associations or institutions having for their object the social welfare or care of men, women or children in Ontario and which are not under the control of any other department of the public service of Ontario; and
- (e) declare any institution or organization to be a charitable institution. R.S.O. 1937, c. 61, s. 4; 1946, c. 21, s. 3 (2), *amended*.

Annual
report.

5.—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1937, c. 61, s. 5; 1946, c. 21, s. 4, *amended*.

Control over
charitable
institutions.

6. The Lieutenant-Governor in Council may,—

- (a) declare any institution or organization having charitable objects or purposes, or any class or classes of such institutions or organizations, to be subject to the control of the Minister; and
- (b) make regulations governing the operation and activities of institutions and organizations which are declared to be subject to the control of the Minister under this section, including regulations governing

the procuring of funds from the public and the application thereof by such institutions and organizations. R.S.O. 1937, c. 61, s. 6, *amended*.

7. *The Department of Public Welfare Act* and *The Department of Public Welfare Amendment Act, 1946*, are repealed. Rev. Stat., c. 61, 1946, c. 21, repealed.

8. This Act may be cited as *The Department of Public Welfare Act, 1948*. Short title.

CHAPTER 24.

An Act to amend The Department of Reform
Institutions Act, 1946.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Department of Reform Institutions Act, 1946*, is 1946, c. 22,
amended by adding thereto the following section: amended.

5a. Every officer having any custodial duties at any Custodial
officers to
penal or reformative institution under the jurisdic- be con-
tion of the Department shall be *ex officio* a constable. stables.

2. This Act may be cited as *The Department of Reform* Short title.
Institutions Amendment Act, 1948.

CHAPTER 25.

An Act to amend The Dependants' Relief Act.

Assented to March 31st, 1948.

Session Prorogued April 16th, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Dependants' Relief Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 214, s. 12,
re-enacted.

12. Except as to costs, an appeal shall lie to the Court of Appeal.
Appeal from any order made under this Act and the Court of Appeal upon such appeal may cancel the order, reduce or increase the amount or value of any allowance fixed by the order, or where the order dismissed the application, may reverse the dismissal and fix the amount or value of the allowance, and the decision of the Court upon the appeal shall be final.

2. This Act may be cited as *The Dependants' Relief Amendment Act, 1948.* Short title.

CHAPTER 26.

An Act to amend The Deserted Wives' and
Children's Maintenance Act.*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following sub-section: Rev. Stat., c. 211, s. 2, amended.

- (3) The magistrate or judge may in any order made under this section make provision as to the custody of the child and the right of access thereto of any person, or of either parent, having regard to the welfare of the child and to the conduct of the parent or person and to the wishes of the mother as well as of the father, and may at any time alter, vary or discharge any provision so made. Custody of child.

2. Section 8 of *The Deserted Wives' and Children's Maintenance Act* is amended by adding thereto the following sub-section: Rev. Stat., c. 211, s. 8, amended.

- (3) Whenever default is made in the payment of any sum of money ordered to be paid the judge of the juvenile court or magistrate who made the order may send a duplicate original of the order, together with a statement showing such information as he possesses of the circumstances of the case and for facilitating the identification of the person against whom the order was made and the location of his place of residence, to any judge of a juvenile court having jurisdiction in the matter in the locality in which such person resides, or to any magistrate in or near such locality, and upon receipt thereof the judge of the juvenile court or magistrate, as the case may be, shall summon the person in default to explain the default and may, if he is satisfied as to the justice of the order, exercise any of the powers mentioned in Transmission of order to facilitate enforcement.

clauses *b* and *c* of subsection 2, and when he has dealt with the matter he shall send a report thereon to the judge of the juvenile court or magistrate who made the order.

Short title.

3. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1948.*

CHAPTER 27.

An Act to amend The Factory, Shop and Office Building Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 53 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat., c. 194, s. 53, subs. 1, re-enacted.

- (1) Where any mill-gearing, machinery, appliance, place, matter or thing, or part or parts thereof, in a factory is dangerous to any person, it shall be safely fenced or guarded unless its position, construction or attachment assures protection. Dangerous places to be fenced or guarded.
- (1a) Where any dangerous machinery, or part or parts thereof, cannot be safely fenced or guarded, the requirements of subsection 1 shall be deemed to have been complied with if the machinery is provided with a safety device which automatically prevents any person operating it from coming into contact with any dangerous part. Safety devices.
- (1b) Not more than one person shall work within reach of any guillotine-knife, shears, press dies, in-running rolls or any similar device. Shears, etc.
- (1c) Where an inspector has given notice in writing to an employer, no machinery other than steam engines shall be cleaned while in motion. Cleaning machinery.

2. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: Rev. Stat., c. 194, amended.

- 82a. In addition to any matter authorized by section 82, any by-law thereunder applicable to retail gasoline service stations, gasoline pumps and outlets in the retail gasoline service industry as defined in *The Industrial Standards Act* may,— Retail gasoline outlets. Rev. Stat., c. 191.

- (a) provide that the by-law shall apply only in the portion or portions of the municipality designated in the by-law;
- (b) require that during the whole or any part or parts of the year such retail gasoline service stations, gasoline pumps and outlets be closed and remain closed at and during any time or hours between six of the clock in the afternoon of any day and seven of the clock in the forenoon of the next following day and between six of the clock in the afternoon of Saturday and seven of the clock in the forenoon of the next following Monday; and
- (c) provide for the issuing of permits authorizing the retail gasoline service station, gasoline pump or outlet for which it is issued to be and remain open, notwithstanding the by-law, during the part or parts of the day or days specified in the permit.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1948.*

CHAPTER 28.

An Act to amend The Farm Products Containers
Act, 1947.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Farm Products Containers Act, 1947*, is amended by striking out the words "The Ontario Fruit Growers' Association and The Ontario Vegetable Growers' Association" in the second and third lines and inserting in lieu thereof the words "or The Ontario Fruit and Vegetable Growers' Association", so that the said clause shall now read as follows:

(a) "association" shall mean The Ontario Beekeepers' Association or The Ontario Fruit and Vegetable Growers' Association within the meaning of *The Agricultural Associations Act*.
"association"
tion";
Rev. Stat.,
c. 80.

2. This Act shall come into force on the day upon which it receives the Royal Assent.
Commence-
ment of Act.

3. This Act may be cited as *The Farm Products Containers Amendment Act, 1948*.
Short title.

CHAPTER 29.

An Act to amend The Farm Products Grades and Sales Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Farm Products Grades and Sales Act*, Rev. Stat., c. 307, s. 3, amended. as amended by section 2 of *The Farm Products Grades and Sales Amendment Act, 1939*, is further amended by adding thereto the following subsection:

- (3) The Minister may, by order, require persons in charge of farm products that are being transported from an area designated by him to proceed to a designated highway inspection point and to remain there until the farm products are inspected. Minister may order transporters to proceed to inspection point.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1948*. Short title.

CHAPTER 30.

An Act to amend The Female Refuges Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Female Refuges Act* is ^{Rev. Stat., c. 384, s. 1,} amended by inserting after the word "court" in the second line ^{cl. c,} the words "judge of a juvenile court," so that the said clause ^{amended.} shall now read as follows:

- (c) "Judge" shall include judge of the Supreme Court, "Judge", judge of a county or district court, judge of a juvenile court, and magistrate.

2. This Act may be cited as *The Female Refuges Amendment Act* Short title. *Act, 1948.*

CHAPTER 31.

An Act to amend The Fire Departments Act, 1947.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Fire Departments Act, 1947*, is amended by inserting after the word "requested" in the third line the words "in writing", so that the said subsection shall now read as follows: 1947,
c. 37, s. 7,
subs. 1,
amended.

(1) Where in any municipality there is a permanent fire department, the council of the municipality shall, when requested in writing by a majority of the members of the fire department, bargain in good faith with a bargaining committee of the members for the purpose of defining, determining and providing for remuneration and working conditions. Bargaining.

2. Section 8 of *The Fire Departments Act, 1947*, is amended by adding thereto the following subsection: 1947,
c. 37, s. 8,
amended.

(3a) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration. Decision
of board of
arbitration.

3. Subsection 2 of section 9 of *The Fire Departments Act, 1947*, is repealed. 1947,
c. 37, s. 9,
subs. 2,
repealed.

4.—(1) *The Fire Departments Act, 1947*, is amended by adding thereto the following sections: 1947, c. 37,
amended.

9a.—(1) An agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, Agreement,
decision or
award,—
when to
have effect.

decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

Idem.

- (2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the agreement, decision or award shall have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period.

Payment of expenditures.

- 9b.—(1) Where a request in writing is made under subsection 1 of section 7 to the council of a municipality after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request.

Withholding of provincial grant.

- (2) Where the council of a municipality fails to comply with the requirements of subsection 1, the Lieutenant-Governor in Council may,—

- (a) upon being requested in writing by a majority of the members of the fire department; and
- (b) upon determining the fact of such failure and so certifying in writing,

direct the withholding from the municipality of any grant at any time payable out of provincial funds to the municipality and the deposit of such a direction with the Treasurer of Ontario shall be his authority to withhold a grant accordingly.

Request by union.

- (3) Where not less than fifty per centum of the members of the fire department belong to a trade union, any request made under subsection 2 shall be made by the union.

Revocation of direction.

- (4) Where a direction has been made under subsection 2, the Lieutenant-Governor in Council may, upon provision being made by the council of the municipality for the making of the expenditures involved, revoke such direction in whole or in part and subject

to any terms or conditions which he may deem advisable.

(2) Section 9b of *The Fire Departments Act, 1947*, as enacted Application of s. 9b. by this section, shall apply in the case of every request in writing made by the majority of the members of a fire department or by a trade union whether the request was made before or after the coming into force of this Act.

5. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

6. This Act may be cited as *The Fire Departments Amendment Act, 1948*. Short title.

CHAPTER 32.

The Forest Fires Prevention Act, 1948.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "closed area" means an area closed by the Minister by order under subsection 1 of section 11; "closed area";
- (b) "Department" means Department of Lands and Forests; "Department";
- (c) "fire district" means a part of Ontario declared to be a fire district under section 2; "fire district";
- (d) "Minister" means Minister of Lands and Forests; "Minister";
- (e) "officer" means a person employed or appointed by or with the approval of the Minister to assist in enforcing the provisions of this Act; "officer";
- (f) "owner" includes locatee, purchaser from the Crown, assignee, lessee, occupant, purchaser, timber licensee, holder of mining claim or location, and any person having the right to cut timber and wood upon any land; "owner";
- (g) "municipality" means a city, town, village, township or improvement district; "municipality";
- (h) "regulations" mean regulations made under this Act; "regulations";
and
- (i) "travel permit area" means a forest area within a fire district declared to be a travel permit area under section 9. R.S.O. 1937, c. 325, s. 1; 1946, c. 32, s. 1, amended. "travel permit area.";

ADMINISTRATION.

Application
of Act.

2.—(1) This Act applies only to fire districts. *New.*

Creation
of fire
districts.

(2) The Lieutenant-Governor in Council may declare any part of Ontario a fire district. R.S.O. 1937, c. 325, s. 2 (1); 1946, c. 32, s. 2 (1).

Right of
action for
damages not
affected.

(3) Nothing in this Act shall affect or be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1937, c. 325, s. 30.

Appoint-
ment of
officers.

3. The Minister may employ, for the purpose of enforcing the provisions of this Act, such officers as he may deem necessary, who shall be subject to his instructions. R.S.O. 1937, c. 325, s. 5, *amended.*

Honorary
fire
wardens.

4. The Minister may appoint honorary fire wardens who shall,—

(a) be appointed without salary or other remuneration;

(b) have authority to enforce such of the provisions of this Act as the Minister may deem necessary; and

(c) wear a special badge to be issued by the Department. R.S.O. 1937, c. 325, s. 6; 1946, c. 32, s. 4, *amended.*

Arrange-
ment with
owner for
additional
protection.

5.—(1) Where the owner of any land in a fire district desires to provide protection from fire upon such land in addition to that authorized by the foregoing provisions of this Act, the Minister may arrange with such owner for the appointment of special officers upon such land for the enforcement of this Act and the regulations.

Appoint-
ments.

(2) Every such appointment shall be made or approved by the Minister.

Payment of
special
officers.

(3) Every person appointed under subsection 1 shall be paid by the owner of the land such salary or other remuneration as the Minister may direct or approve. R.S.O. 1937, c. 325, s. 7; 1946, c. 32, s. 5, *amended.*

CLOSE SEASON.

Close
season.

6. Subject to the regulations, the period from the 1st day of April to the 31st day of October in each year shall be known as the close season in respect to the setting out of fire in a fire district. R.S.O. 1937, c. 325, s. 8 (1), *amended.*

FIRE PERMITS.

7.—(1) Upon application an officer may issue a permit, ^{Issue of fire permit.} called a “fire permit”, to set out fire during the close season.

(2) A fire permit shall be an authority to the permittee to ^{Authority conferred by permit.} set out fire only in accordance with,—

(a) the terms and conditions under which the permit is issued; and

(b) the regulations. *New.*

(3) No person shall set out fire during the close season for ^{Prohibition against fire except under permit.} any purpose, other than cooking or obtaining warmth, except under a fire permit. R.S.O. 1937, c. 325, s. 8 (2), *amended.*

8.—(1) A fire permit may be limited as to duration and ^{Limitations in permit.} area, but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

(2) A fire permit may be cancelled or suspended at any ^{Cancellation or suspension of permit.} time by an officer, and immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire set out under the permit. *New.*

TRAVEL PERMITS.

9.—(1) When the Lieutenant-Governor in Council deems ^{Creation of travel permit areas.} it necessary to regulate travel in a forest area within a fire district for the protection of that area, he may declare such forest area a travel permit area. R.S.O. 1937, c. 325, s. 25 (1), *amended.*

(2) Upon application an officer may issue without charge ^{Issue of travel permit.} a permit, called a “travel permit”. R.S.O. 1937, c. 325, s. 25 (2), *amended.*

(3) A travel permit shall be an authority to the permittee ^{Authority conferred by permit.} to enter and travel about, and to set out fire only for the purpose of cooking or obtaining warmth, in the travel permit area in accordance with,—

(a) the terms and conditions under which the permit is issued; and

(b) the regulations. *New.*

(4) No person shall enter and travel about, or set out fire ^{Prohibition.} in

in a travel permit area during the close season except under a travel permit. R.S.O. 1937, c. 325, s. 25 (3), *amended*.

Limitations
in permit.

10.—(1) A travel permit may be limited as to duration and area but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary.

Cancellation
or suspension
of permit.

(2) A travel permit may be cancelled or suspended at any time by an officer, and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire set by him and shall leave the travel permit area. *New*.

CLOSED AREAS.

Designation
of closed
area.

11.—(1) When the Minister deems it necessary or expedient, owing to extreme fire hazard conditions, to close any area and shut out therefrom all persons except such as are specially authorized by the Minister, he may make an order in writing describing the area to be closed and the period during which such closure shall be in force, and prescribing any other terms and conditions he deems necessary. R.S.O. 1937, c. 325, s. 27 (1), *amended*.

Notice of
order.

(2) The Minister shall provide for such notice as he deems necessary under the circumstances, and shall publish a notice of the order setting out the area closed and the period of closure in such newspapers as in his opinion will give the greatest publicity. R.S.O. 1937, c. 325, s. 27 (2), *amended*.

Prohibition.

(3) No person, unless specially authorized by the Minister, shall enter a closed area during the period of closure. *New*.

Burden of
proof.

1944, c. 52.

(4) In any prosecution under subsection 3 in respect of an offence alleged to have been committed prior to publication of the order under *The Regulations Act, 1944*, the burden of proving he did not have actual notice of the order at the time the offence is alleged to have been committed shall be upon the accused. *New*.

WORK PERMITS.

Work permit
required for
woods and
milling
operations.

12.—(1) Except where land is being cleared for agricultural purposes by a locatee, purchaser or patentee, every person, firm or corporation shall, in addition to any other requirement, obtain from an officer a work permit before,—

(a) carrying on any logging, mining or industrial operation or before clearing a right-of-way for any road,

trail, telephone, telegraph, power or pipe line, tote-road, ditch or flume or before constructing any dam, bridge, or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within a fire district;

- (b) operating in a fire district any mill for the purpose of manufacturing timber. R.S.O. 1937, c. 325, s. 23 (1); 1946, c. 32, s. 18 (1), *amended*.

(2) The application for such permit shall be in the pre-^{Description in permit.}scribed form, and in addition to any other information required in such form shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation. R.S.O. 1937, c. 325, s. 23 (2), *amended*.

- (3) An officer may in the interest of forest protection,—^{Powers of officer.}

(a) refuse the granting of permission for any operation or limit the period during which the operation may be carried on;

(b) require that any permittee carrying on any operation under this section maintain such fire-fighting equipment in good repair and at specified locations as the officer may deem necessary for the control of fires which might be caused either directly or indirectly by the operation;

(c) cancel at any time any permit issued under this section. R.S.O. 1937, c. 325, s. 23 (3); 1946, c. 32, s. 18 (1), *amended*.

(4) Where fire originates in any particular area in which^{Cost of extinguishing fire.} any person either by himself or his employees or someone on his behalf, is carrying on any of the operations referred to in clause *a* or *b* of subsection 1, in the absence of reasonable evidence that the fire may have occurred from causes other than such operations the onus shall be upon that person to prove that the fire did not result from such operations, and in the absence of such proof that person shall bear the full cost of controlling and extinguishing the fire. 1946, c. 32, s. 18 (2), *amended*.

(5) A work permit may be limited as to duration and area^{Expiration of permit.} but in any event shall expire on the 31st day of March next following the date of its issue, and may contain such other terms and conditions as the issuing officer may deem necessary. R.S.O. 1937, c. 325, s. 23 (5); 1946, c. 32, s. 18 (3), *amended*.

inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

(4) Where the Minister finds that cause for complaint exists owing to the unfinished clearing of land the council may give notice to the owner of the land directing him, within a time to be named in the notice, to properly clear the land or such part thereof or to such extent as the Minister may direct and designate in his report and to remove, as far as possible, all source of danger by fire.

Notice to owner to clean up land.

(5) If within the time so fixed the necessary work has not been done, the corporation of the municipality may cause the work to be done and the expenses of the corporation in doing such work shall be a charge upon the land and shall be payable by the owner forthwith.

Default of owner.

(6) If the land is patented and lies in an organized municipality the treasurer of the municipal corporation doing the work shall notify the clerk of the municipality in which the land lies of the amount so due and if after thirty days after the date of the receipt of such notice the amount remains unpaid the corporation of the municipality in which the land lies shall pay the amount to the treasurer of the municipality doing the work and the corporation making such payment may thereupon register or lodge in the proper registry or land titles office, a declaration under the hand of the reeve or other head of the municipality and the treasurer thereof and having the corporate seal affixed thereto, declaring that the municipal corporation claims a lien upon the land for the amount so paid and interest thereon at the rate of six per centum per annum from the date of the declaration.

Recovery of expenses where land is patented in organized territory.

(7) If the land is patented and lies in territory without municipal organization the municipal corporation doing the work may register or lodge in the proper registry or land titles office, a declaration to the same effect as the declaration mentioned in subsection 6 under the hand of the reeve or other head of the municipality and the treasurer thereof and having the corporate seal affixed thereto, stating that the corporation claims a lien upon the land for the amount of such expenses with interest at the rate of six per centum per annum from the date of the declaration.

Where land is patented in un-organized territory.

(8) Upon the registration or filing of the declaration mentioned in subsections 6 and 7, the municipal corporation making the declaration shall have a lien upon the land for the amount claimed and such lien shall have priority according to the general law of Ontario and if the claim remains unpaid for a period of three months after registration and filing the same may be enforced by the sale of the land in the manner

Effect of registration.

provided for in the regulations. R.S.O. 1937, c. 325, s. 14; 1946, c. 32, s. 11, *amended*.

Agreements
with muni-
cipalities.

15. The Minister may enter into such agreement with any municipality as he may deem advisable for the prevention and control of forest fires, and any expenses incurred by the Department in carrying out any such agreement shall be paid out of such moneys as may be appropriated therefor by the Legislature. 1946, c. 32, s. 12.

Destruction
of refuse
on clearing
land for
highway.

16.—(1) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power or pipe line, railway tote-road, ditch or flume shall, as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other time as an officer may direct, pile and burn on such right-of-way all refuse, timber, brush or other inflammable material cut or accumulated thereon, all such right-of-way burning to be subject to the requirements of this Act in respect to fire permits. R.S.O. 1937, c. 325, s. 22 (1); 1946, c. 32, s. 17 (1), *amended*.

Inflammable
matter near
right-of-way.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall at the request of any officer immediately pile and, subject to the requirements of this Act concerning fire permits, burn the debris. R.S.O. 1937, c. 325, s. 22 (2); 1946, c. 32, s. 17 (2), *amended*.

Timber cut
to fall on
owner's
land.

(3) No person shall fell or permit to be felled trees or brush in such manner that such trees or brush shall fall and remain on land not owned by the person felling or permitting the felling of such trees or brush. R.S.O. 1937, c. 325, s. 22 (3).

Clearing in
neighbour-
hood of
mills, etc.

(4) Every person having charge of a camp, mine, sawmill, portable or stationary engine using fuel other than oil and located within one-half mile of any forest or woodland shall have the area surrounding said camp, mine, sawmill or engine cleared of inflammable material for a distance of at least three hundred feet and such further distance as may in the opinion of an officer be required. R.S.O. 1937, c. 325, s. 22 (4); 1946, c. 32, s. 17 (3), *amended*.

Accumula-
tion of in-
flammable
refuse.

(5) No person shall within one-half mile of any village, town or city accumulate inflammable debris or permit any such accumulation to remain on any property owned by him or under his control. R.S.O. 1937, c. 325, s. 22 (5).

EXTINGUISHMENT OF FIRES.

Duty of
municipal
corporation.

17. The corporation of any municipality within a fire dis-

trict shall do all necessary things to extinguish grass, brush or forest fires in the municipality, and the costs and expenses thereof shall be borne by the municipal corporation, provided that if the action taken by the municipal corporation in fighting any such fires is in the opinion of an officer not adequate, the officer may do what in his opinion is necessary to control and extinguish such fires, and any costs and expenses incurred by the Department in controlling or extinguishing such fires shall be a debt due by the municipal corporation to the Department and upon presentation of an account of such costs and expenses certified by the Minister, the treasurer of the municipality shall pay the same. R.S.O. 1937, c. 325, s. 15, *amended*.

18.—(1) Upon satisfactory proof being furnished by the municipality that any fire has started on Crown land within the municipality, half of the total cost of extinguishing such fire shall be borne by the Department. R.S.O. 1937, c. 325, s. 16 (1), *amended*. Contribution by Department.

(2) Where any such fire is confined entirely to Crown lands other than the lands of an owner as defined by subsection 1 of section 14, the total cost of extinguishing such fire shall be borne by the Department. 1946, c. 32, s. 13. Fires on Crown lands.

19.—(1) For the purpose of controlling and extinguishing any fire, an officer may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and despatchers on duty, doctors and persons physically unfit. R.S.O. 1937, c. 325, s. 17 (4); 1946, c. 32, s. 14, *amended*. Right to summon assistance.

(2) Every person who refuses or neglects to render assistance when required under this section shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 17 (5), *amended*. Penalty for refusing to assist.

20.—(1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,— Extinguishment of fires.

(a) a fire set out for cooking or obtaining warmth and kept under control; or

(b) a fire set out under the authority of this Act and kept under control,

shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts.

Expenses
incurred in
extinguish-
ing fires.

(2) In addition to the other penalties provided by this Act, every owner who violates the provisions of subsection 1 shall be liable for all expenses incurred by the Department in attempting to extinguish such fire upon the land of which he is the owner or upon any land to which it spreads, and the amount thereof shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister. 1946, c. 32, s. 16.

OFFENCES.

Offences.

21.—(1) During the close season in any year no person, company or corporation in a fire district shall,—

Using
engines
without
prescribed
safeguards.

(a) use or operate within a quarter of a mile of any forest, slashing or bushland any engine which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with the regulations;

Destroying
waste, etc.,
without
spark
arresters.

(b) destroy any wood or waste material by fire within any burner or destructor operated at or near any mill or manufactory, or operate any power-producing plant using in connection therewith any smoke-stack, chimney or other spark-emitting outlet, without installing and maintaining on such burner or destructor or on such smoke-stack, chimney or spark-emitting outlet a safe and suitable device for arresting sparks complying in all respects with the regulations. R.S.O. 1937, c. 325, s. 12 (1); 1946, c. 32, s. 9 (1), *amended*.

Dropping
fire or
live coal.

(2) No railway company operating within the fire district shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose. R.S.O. 1937, c. 325, s. 12 (2).

Injunction.

(3) Notwithstanding the penal provisions of this Act, any court of competent jurisdiction may upon the application of the Minister grant an injunction against the use of any locomotive, engine, burner or destructor until it has been equipped with safety appliances to the satisfaction of the Minister. R.S.O. 1937, c. 325, s. 12 (3); 1946, c. 32, s. 9 (2), *amended*.

Duty of
engineer.

22. Every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Transport Commissioners for Canada shall see that all safety appliances required by this Act or by the regulations are properly used and ap-

plied, and in default he shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 13; 1946, c. 32, s. 10, *amended*.

23. No person shall,—

Particular
offences.

- (a) throw or drop any burning match, ashes from a pipe, lighted cigarette, cigar or other burning substance in a fire district without extinguishing it;
- (b) discharge a firearm in a fire district without ensuring that the wadding from the firearm is extinguished;
- (c) without lawful authority, destroy, deface or remove any notice posted under this Act or the regulations; or
- (d) without lawful authority, destroy, damage or remove any equipment placed in the forest for the purpose of protecting the forests from fire. R.S.O. 1937, c. 325, ss. 18, 20, *amended*.

24. Every officer shall have the right while in the performance of his duties to enter into and upon any lands and premises other than a private dwelling, store, storehouse, office or farm building, and every person who hinders, obstructs and impedes any such officer in the performance of his duty shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 19; 1946, c. 32, s. 15, *amended*.

Right of
officer to
enter on
premises.

25. Every person using or travelling in the forest shall, upon request, give an officer or other authorized officer of the Crown, information as to his name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give such information shall be guilty of an offence against this Act. R.S.O. 1937, c. 325, s. 26; 1946, c. 32, s. 21, *amended*.

Information
to be given
to officer by
tourists, etc.

PENALTIES.

26.—(1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a period not exceeding ninety days, or to imprisonment for a period not exceeding ninety days, or to both fine and imprisonment, and such person shall be liable to the Department for any expenses incurred by it in endeavouring to control or extinguish any fire caused by or resulting from such

Penalties.

disobedience, refusal or neglect. R.S.O. 1937, c. 325, s. 29; 1946, c. 32, s. 22, *part, amended*.

Expenses,—
recovery of.

(2) The amount of any expenses for which any person is liable to the Department under subsection 1 shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister, provided that where the amount claimed does not exceed \$300 and proceedings are taken under *The Summary Convictions Act* in respect of the disobedience, refusal or neglect, the magistrate, upon making a conviction, may order payment of such amount to the Minister and every such order may be enforced in the same manner as a division court judgment, 1946, c. 32, s. 22, *part*.

Rev. Stat.,
c. 136.

Recovery of
penalties.

Rev. Stat.,
c. 136.

27. The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 325, s. 31, *amended*.

REGULATIONS.

Regulations.

28. The Lieutenant-Governor in Council may make regulations,—

- (a) extending or restricting the close season for any fire district or any part of a fire district in any year to such date as may be deemed necessary;
- (b) prescribing forms for use under the Act and the regulations;
- (c) respecting the granting of permits and prescribing the terms and conditions thereof;
- (d) prescribing the precautions to be taken in the use of fire under a permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;
- (e) prescribing the circumstances and conditions under which fire may be set out or used without a permit, and under which fire may be used out of doors for cooking or obtaining warmth;
- (f) providing for the making of fire guards and the taking of other precautionary measures when the Minister deems danger from fire to any town or settlement specially imminent;
- (g) regulating or preventing the piling or accumulation

of brushwood, debris and other inflammable material;

- (h) prescribing the use of fire protective appliances on engines, and the precautions to be taken for preventing forest fires being caused by the use and operation of engines;
- (i) prescribing the manner in which land may be sold under subsection 8 of section 14;
- (j) providing for the collection of the cost of any work done by an officer or by a municipal corporation under the authority of this Act in cases not provided for under this Act;
- (k) generally for the better carrying out of forest fire prevention and the provisions of this Act. R.S.O. 1937, c. 325, s. 10; 1946, c. 32, s. 7, *amended*.

GENERAL.

29. *The Forest Fires Prevention Act, The Forest Fires Prevention Amendment Act, 1946*, and section 9 of *The Statute Law Amendment Act, 1947*, are repealed. Rev. Stat.,
c. 325; 1946,
c. 32; 1947,
c. 101, s. 9,
repealed.

30. This Act may be cited as *The Forest Fires Prevention Act, 1948*. Short title.

CHAPTER 33.

An Act to amend The Forestry Act.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Forestry Act*, as re-enacted by section 4 Rev. Stat., c. 39, s. 16 of *The Statute Law Amendment Act, 1944* and amended by (1944, c. 58, s. 4), re-enacted. subsection 6 of section 20 of *The Statute Law Amendment Act, 1946*, is repealed and the following substituted therefor:

- 16.—(1) There shall be a committee to be known as the Advisory Committee. "Advisory Committee to the Minister of Lands and Forests" consisting of a chairman and eight other members, each of whom shall be appointed by the Lieutenant-Governor in Council for such term as may be specified in the Order-in-Council.
- (2) Each of the following interests shall be represented Interests to be represented. on the Committee: the building industry, education, finance, the forest engineers, labour, the lumber industry, the mining industry, the pulp and paper industry and the railways.
- (3) The remuneration and expenses of the members of Remuneration and expenses. the Committee shall be paid out of the Consolidated Revenue Fund.
- (4) The Committee shall have a secretary who shall be a Secretary. civil servant and who shall perform such other duties as may be assigned to him.
- (5) The Committee shall meet monthly or otherwise as Meetings. may be agreed upon by the Minister and the Committee.
- (6) It shall be the duty of the Committee to advise the Duties. Minister upon forest policy, either generally or in any particular that may be initiated by the Minister or by the Committee, regard being had to the con-

ervation, development and utilization of the forest resources of Ontario.

Short title. **2.** This Act may be cited as *The Forestry Amendment Act, 1948*.

CHAPTER 34.

An Act to amend The Fuel Supply Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Fuel Supply Act*, as re-enacted by Rev. Stat., c. 53, s. 9 (1947, c. 39, s. 1), re-enacted. section 1 of *The Fuel Supply Amendment Act, 1947*, is repealed and the following substituted therefor:

PART II.

GAS FUELS.

9. In this Part "gas fuel" means natural gas and includes "Gas fuel", defined. artificial gas, propane or butane used to supplement natural gas.
- 10.—(1) Notwithstanding any other Act the Controller Powers of Controller. may,—
- (a) regulate and control the quantity of gas fuel that may be held or distributed by any person;
 - (b) prohibit or regulate and control the use of gas fuel by any person;
 - (c) fix the price at which gas fuel may be sold or disposed of, except where the natural gas referee has such jurisdiction under *The* Rev. Stat., c. 49. *Natural Gas Conservation Act*;
 - (d) require the construction, installation, erection or acquisition of any works, pipe lines, plant, machinery, equipment or appliances necessary for the production, transmission and distribution of gas fuel, and apportion and allocate the cost thereof;

- (e) regulate and control the installation and removal of appliances using gas fuel and provide for the issue of permits authorizing the installation thereof; and
- (f) impose penalties on persons who fail to comply with any order, requirement or direction made or issued under this section.

Orders to
be deemed
administra-
tive.

- (2) Every order, requirement or direction made or issued under this section shall be deemed to be administrative and not of a legislative nature.

PART III.

GENERAL.

Non-applica-
tion of Act.

- 12. This Act shall not apply to electricity or to petroleum or petroleum products except as provided in Part II.

Commence-
ment of Act.

- 2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

- 3. This Act may be cited as *The Fuel Supply Amendment Act, 1948*.

CHAPTER 35.

An Act to amend The Game and Fisheries Act, 1946.

Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Game and Fisheries Act, 1946*, is ^{1946, c. 33,} amended by adding thereto the following clauses: ^{s. 1,} amended.

(ee) “domestic animals and birds” shall include non-^{“domestic animals and birds”;} native species kept in captivity but shall not include native species kept in captivity or non-native species present in the wild state;

.

(ff) “ferret” shall mean any of the domesticated forms of “ferret”; the old world polecat (*putorius putorius*) used for hunting;

.

(vv) “snare” shall mean any device for the taking of “snare”; animals whereby they are caught in a noose, and “snaring” shall have a corresponding meaning;

.

(ww) “trap” shall mean any spring trap, gin, deadfall, ^{“trap”;} box or net used to capture game, and “trapping” shall have a corresponding meaning.

(2) Clause *h* of the said section 1 is amended by striking ^{1946, c. 33,} out the word “squirrel” in the third line and inserting in lieu ^{s. 1, cl. *h*,} thereof the words “red squirrel”, so that the said clause shall now read as follows:

(*h*) “fur-bearing animal” shall mean a beaver, fisher, fox, ^{“fur-bearing animal”.} lynx, marten, mink, musk-rat, otter, raccoon, rabbit, skunk, red squirrel, weasel and wolverine or any

other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal.

1946, c. 33,
s. 1, cl. i,
amended.

(3) Clause *i* of the said section 1 is amended by adding at the end thereof the words "and the *Migratory Birds Convention Act* (Canada) and shall include any portion of any such animal or bird", so that the said clause shall now read as follows:

"game".

(i) "game" shall mean all fur-bearing animals and all animals and birds protected by this Act and the *Migratory Birds Convention Act* (Canada) and shall include any portion of any such animal or bird.

R.S.C.,
c. 130.

1946, c. 33,
s. 7, subs. 1,
amended.

2. Subsection 1 of section 7 of *The Game and Fisheries Act, 1946*, is amended by adding at the end of clause *b* the words "or any baggage or express office or any licensed premises where pelts are bought or sold", so that the said subsection shall now read as follows:

Search of
vehicles,
premises.

(1) An officer shall have the authority of a constable for the purpose of this Act, and may without a search warrant,—

(a) stop and search any vehicle, motor vehicle, aeroplane or any other flying machine, boat or launch or any railway car, including a caboose, baggage or express car; and

(b) enter and search any hunting, mining, lumber or construction camp or any baggage or express office or any licensed premises where pelts are bought or sold,

where he has reasonable grounds to believe that any of them contains any game or fish taken in violation of this Act.

1946, c. 33,
s. 9,
amended.

3. Section 9 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "wound" where it occurs in the second and third lines respectively the word "trap", so that the said section shall now read as follows:

Non-
residents.

9. Except under a licence no non-resident shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any animal or bird.

1946, c. 33,
s. 16,
amended

4. Section 16 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection:

- (5) Notwithstanding anything in this Act any person licensed under this Act or the *Migratory Birds Convention Act* (Canada) to kill or capture protected animals or birds may use traps or fire-arms for that purpose at any time or place where the licence is valid.
- Killing or capturing for scientific purposes.
R.S.C., c. 130.

5. Subsection 2 of section 17 of *The Game and Fisheries Act, 1946*, is amended by adding at the end thereof the words "or a licence under subsection 1", so that the said subsection shall now read as follows:

1946, c. 33, s. 17, subs. 2, amended.

- (2) No person shall sell a gill, hoop, pound or seine net to any other person not a holder of a commercial fishing licence or a licence under subsection 1.
- Restricted sale.

6. Subsection 1 of section 21 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor:

1946, c. 33, s. 21, subs. 1, re-enacted.

- (1) Except upon such terms and conditions as the Lieutenant-Governor in Council may prescribe, no licence shall be transferred and no person shall buy, sell, exchange or in any way become a party to the transfer of any licence, shipping coupon or seal, or in any way use or attempt to use a licence, shipping coupon or seal issued to any other person.
- Transfer of licence, coupon or seal.

7. Clause *a* of section 23 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subclause:

1946, c. 33, s. 23, cl. a, amended.

- (vi) for a person to carry or use fire-arms or air-guns for hunting purposes pursuant to subsection 1a of section 10..... .85
- Unprotected birds and animals.
- and an issuing fee of..... .15

8.—(1) Subsection 1 of section 25 of *The Game and Fisheries Act, 1946*, is amended by striking out the words "or any bear or its skin" in the third line, so that the said subsection shall now read as follows:

1946, c. 33, s. 25, subs. 1, amended.

- (1) No person shall take or ship or attempt to take or ship to any point outside of Ontario any fur-bearing animal or its pelt or send or have sent any of them to a tanner or taxidermist to be tanned or plucked or treated in any way without a licence and without paying a royalty.
- Royalties payable.

(2) Subsection 2 of the said section 25 is amended by striking out the words "or bear skins" in the first line and the words "by affidavit or statutory declaration" in the fourth line, so that the said subsection shall now read as follows:

1946, c. 33, s. 25, subs. 2, amended.

Exceptions.

- (2) The royalties shall apply to any pelts that are damaged or destroyed by any means, but they shall not apply, where the holder furnishes the Department with satisfactory proof of their origin,—

(a) to silver, black, cross and blue fox and mink, bred on fur-farms operating within Ontario under a licence; or

(b) to pelts imported from any place outside of Ontario.

1946, c. 33,
s. 27, subs. 1,
amended.

9.—(1) Subsection 1 of section 27 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word “kill” in the first line the words “or attempt to hunt, take or kill”, so that the said subsection shall now read as follows:

Beaver.

- (1) No person shall at any time hunt, take or kill, or attempt to hunt, take or kill, any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department.

1946, c. 33,
s. 27, subs. 2,
cl. a,
amended.

(2) Clause *a* of subsection 2 of the said section 27 is amended by striking out the words “or black” in the first line and inserting in lieu thereof the words “black or fox”, so that the said clause shall now read as follows:

Squirrel.

- (a) any gray, black or fox squirrel except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe.

1946, c. 33,
s. 27, subs. 3,
cl. d,
amended.

(3) Clause *d* of subsection 3 of the said section 27 is amended by inserting after the word “deer” in the first line the words “or moose”, so that the said clause shall now read as follows:

Swimming
deer or
moose.

- (d) hunt, take, kill or molest any deer or moose while it is swimming in any waters.

1946, c. 33,
s. 31, subs. 1,
amended.

10. Subsection 1 of section 31 of *The Game and Fisheries Act, 1946*, is amended by striking out the words “or otter” in the third line and inserting in lieu thereof the words “otter or musk-rat”, so that the said subsection shall now read as follows:

- (1) No owner of a dog shall use it or allow it to be used in any manner for the hunting, taking or killing of any mink, beaver, otter or musk-rat. Dogs not to be used for hunting small game.

11. Section 43 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 43, re-enacted.

43. In any locality which game usually inhabits or in which game is usually found, no person shall,— Prohibitions as to guns.

- (a) have any air-gun, gun, rifle or fire-arm in his possession in a place from which game may be shot, unless it is unloaded and encased or it is dismantled, between one-half hour after sunset and one-half hour before sunrise of any day, except as may be provided by the regulations; or
- (b) discharge any air-gun, gun, rifle or other fire-arm between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following.

12. Section 45 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection: 1946, c. 33, s. 45, amended.

- (2) No person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario without the written authority of the Minister. Release of imported stock.

13. Section 48 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 48, re-enacted.

48. The Lieutenant-Governor in Council may set apart any waters for the conservation or propagation of fish. Waters set apart.

14. Subsection 1 of section 49 of *The Game and Fisheries Act, 1946*, is amended by inserting after the article "the" in the second line the words "conservation or", so that the said subsection shall now read as follows: 1946, c. 33, s. 49, subs. 1, amended.

- (1) No person shall angle for or take fish by any means from waters set apart for the conservation or propagation of fish, under section 48, but the Department may take fish for the stocking and rearing of fish for public waters or may permit fish to be taken for scientific purposes. Fishing in protected waters prohibited.

15. Clause c of subsection 1 of section 57 of *The Game and Fisheries* 1946, c. 33, s. 57, subs. 1, cl. c, re-enacted.

Fisheries Act, 1946, is repealed and the following substituted therefor:

Certain persons not to carry fire-arms.

- (c) being an owner or operator of or an employee in any timber or mining camp or an employee engaged in the construction or maintenance of any railway or public work, possess in the vicinity of any of them any gun or other fire-arm, trap, snare or poison except under a licence, but this clause shall not apply to a resident employed by a railway company who does not carry or possess a fire-arm on a railway velocipede or hand-car; or

.

1946, c. 33,
s. 61, subs. 1,
re-enacted.

16.—(1) Subsection 1 of section 61 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor:

Coupons or seals on hunting licences.

- (1) There shall be provided with every hunting licence one or more shipping coupons or metal seals plainly marked with the description of the game for which the licence is issued and there shall be printed or stamped on the coupon or seal the date of the expiry of the licence which shall not be later than four days after the last day of the open season for which the licence is issued.

1946, c. 33,
s. 61, subs. 2,
amended.

(2) Subsection 2 of the said section 61 is amended by inserting after the word “them” in the first line the words “taken under a licence for which a shipping coupon is provided”, so that the said subsection shall now read as follows:

Detachment and cancellation of coupon upon shipment of deer or moose.

- (2) Where any deer or moose, or any part of them, taken under a licence for which a shipping coupon is provided is presented for shipment to a common carrier, a coupon shall be detached from the licence and signed by the holder of the licence in the presence of the shipping agent or clerk in charge of the office at the point of shipment and attached to each animal or part thereof or to the receptacle containing it, and then the shipping agent or clerk shall write “cancelled” across the face of the coupon, but where the animal or any part of it is transported by other than a common carrier the coupon shall be attached to the animal or part of it and similarly cancelled by the holder of the licence before transporting it.

1946, c. 33,
s. 61,
amended.

(3) The said section 61 is further amended by adding thereto the following subsections:

- (2a) Where a moose is killed under a licence for which a metal seal is provided, the seal shall be attached to the moose immediately after it is killed. When seal to be attached to moose.
- (2b) Where a deer is killed under a licence for which a metal seal is provided, the seal shall be attached to the deer before it is transported or shipped. When seal to be attached to deer.
- (4) Subsection 3 of the said section 61 is repealed and the following substituted therefor: 1946, c. 33, s. 61, subs. 3, re-enacted.
- (3) No person shall violate any of the provisions of subsection 1, 2, 2a, or 2b, or use an expired coupon or seal, or transport or ship, or assist in transporting or shipping any moose or deer without a coupon or seal attached thereto. Offences related to shipping.
- 17.** Clause *a* of subsection 1 of section 63 of *The Game and Fisheries Act, 1946*, is repealed and the following substituted therefor: 1946, c. 33, s. 63, subs. 1, cl. a, re-enacted.
- (a) any deer or moose, or the head or any other part thereof, unless there is attached thereto or to the receptacle containing the same a shipping coupon or seal provided under this Act or the regulations. Transport of deer or moose.
- 18.** Clause *c* of section 69 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "hunting" where it occurs in the first and third lines respectively the words "or trapping" and by adding at the end thereof the words "or trapping, as the case may be", so that the said clause shall now read as follows: 1946, c. 33, s. 69, cl. c, amended.
- (c) hunting or trapping, the possession in or near any place which game inhabits or where game is likely to be found, of a gun, decoy or other implement for hunting or trapping, shall be *prima facie* evidence that the person in possession of any of them was hunting or trapping, as the case may be. hunting or trapping devices;
- 19.** Subsection 1 of section 71 of *The Game and Fisheries Act, 1946*, is amended by inserting after the word "ammunition" in the second line the words "traps, trapping accessories, snares", so that the said subsection shall now read as follows: 1946, c. 33, s. 71, subs. 1, amended.
- (1) All motor vehicles, or vehicles of any description, aeroplanes, guns, ammunition, traps, trapping accessories, snares, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all fishing gear, materials, implements or appliances of every kind used for hunting Seizure and confiscation of game and other property.

and fishing, and all game and fish, together with packages, crates or containers of every description used in violation of this Act and found in the possession of any person suspected of having committed an offence against this Act shall be seized, and upon conviction, be forfeited to and become the property of the Crown in right of Ontario and sold by the Department, but where the seizure is made from a person unknown, perishable game or fish shall be forfeited to and become the property of the Crown in right of Ontario and sold forthwith by the Department, and any other property seized shall be forfeited to, and become the property of the Crown in right of Ontario and sold by the Department after the expiration of thirty days.

1946, c. 33,
s. 72, cl. *bb*
(1947, c. 40,
s. 15),
re-enacted.

20.—(1) Clause *bb* of section 72 of *The Game and Fisheries Act*, 1946, as enacted by section 15 of *The Game and Fisheries Amendment Act*, 1947, is repealed and the following substituted therefor:

(*bb*) prescribing the manner in which game shall be sealed or marked.

1946, c. 33,
s. 72, cl. *dd*,
(1947, c. 40,
s. 15),
amended.

(2) Clause *dd* of the said section 72, as enacted by section 15 of *The Game and Fisheries Amendment Act*, 1947, is amended by striking out the word "April" in the fourth line and inserting in lieu thereof the word "March", so that the said clause shall now read as follows:

(*dd*) authorizing the council of any county designated by the Minister to declare open seasons for the hunting of foxes at any time from the 1st day of March to the 31st day of October in any year.

1946, c. 33,
s. 72, cl. *i*,
re-enacted.

(3) Clause *i* of the said section 72 is repealed and the following substituted therefor:

(*i*) varying the open season for any game in any part of Ontario and varying the part of Ontario in which any such open season shall apply.

Commence-
ment of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

22. This Act may be cited as *The Game and Fisheries Amendment Act*, 1948.

CHAPTER 36.

An Act to amend The General Sessions Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The General Sessions Act* is amended by adding thereto the following subsection: Rev. Stat., c. 104, s. 3, amended.

(8) When it is deemed necessary or expedient in respect of any county the Lieutenant-Governor in Council may specify a different opening day for the sittings of the court from those provided in this section, in which case the sittings shall be held on the day specified. Lieutenant-Governor may specify opening day.

2. This Act may be cited as *The General Sessions Amendment Act, 1948*. Short title.

CHAPTER 37.

An Act to amend The High Schools Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 1 of section 1 of *The High Schools Act*, as re-enacted by section 7 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 1,
subs. 1, cl. *c*
(1939, c. 44,
s. 7), re-
enacted.

(*c*) "County pupils" shall mean pupils,

"County
pupils."

- (i) who reside with their parents or guardians, or
- (ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district, but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county.

(2) Clause *m* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 1,
subs. 1,
cl. *m*, re-
enacted.

(*m*) "Resident pupils" shall mean pupils,

"Resident
pupils".

- (i) who reside with their parents or guardians, or
- (ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district, but shall not include pupils residing with their parents or

guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality within the district.

Rev. Stat.,
c. 360, s. 2,
subs. 1, re-
enacted.

2. Subsection 1 of section 2 of *The High Schools Act* is repealed and the following substituted therefor:

Trustees to
be corpora-
tion.

- (1) Where a high school district comprises one municipality, the trustees shall be a corporation by the name of "The High School Board of the of", or "The Collegiate Institute Board of the of", inserting the classification and name of the municipality.

Idem.

- (1a) Where a high school district comprises more than one municipality, the trustees shall be a corporation by the name of "The District High School Board" or "The District Collegiate Institute Board", inserting a name selected by the board and approved by the Minister.

Rev. Stat.,
c. 360, s. 11,
subs. 1,
amended.

3. Subsection 1 of section 11 of *The High Schools Act* is amended by inserting after the word "ratepayer" in the first line the words "of a municipality which, or any part of which, is included in the high school district," and by inserting after the word "district" in the third line the words "or within five miles of the boundaries thereof", so that the said subsection shall now read as follows:

Qualifica-
tion of
trustees.

- (1) Any ratepayer of a municipality which, or any part of which, is included in the high school district, who is a British subject, has attained the age of twenty-one years, resides in the high school district, or within five miles of the boundaries thereof, or in the county or municipality in the case of a county or of a district municipality appointment, and who is not a member or officer of a municipal council or otherwise disqualified, shall be qualified to be a high school trustee.

Rev. Stat.,
c. 360, s. 13
(1947,
c. 42, s. 2),
amended.

4. Section 13 of *The High Schools Act*, as re-enacted by section 2 of *The High Schools Amendment Act, 1947*, is amended by adding thereto the following subsection:

Formation of
board and
assessment
in district in
unorganized
territory.

- (6) Where a high school district is established under subsection 6 of section 4, the Lieutenant-Governor in Council may provide for the formation of a board, and the cost of operating the high school or high schools under the jurisdiction of the board shall be levied on all the property in the high school district

rateable for school purposes, and the provisions of *The Public Schools Act* with respect to assessment and collection of rates for public school purposes in unorganized townships shall *mutatis mutandis* apply.

Rev. Stat.,
c. 357.

5.—(1) Subsection 1 of section 16 of *The High Schools Act* is amended by striking out the words and figures “subsection 4 of section 6” in the second line and inserting in lieu thereof the words and figures “subsection 2 of section 4”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 360, s. 16,
subs. 1,
amended.

- (1) Where a high school district is established under the authority of subsection 2 of section 4 for one municipality, or part thereof, in a territorial district, the high school board shall, in the case of a township, be composed of six trustees who shall be appointed by the council, and, in the case of an urban municipality, of the same number elected in the same manner as in the case of a city.

Composition
of board in
township
and urban
municipali

(2) Subsection 2 of the said section 16 is amended by striking out the words and figures “subsection 4 of section 6” in the second line and inserting in lieu thereof the words and figures “subsection 2 of section 4”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 360, s. 16,
subs. 2,
amended.

- (2) Where a high school district is established under the authority of subsection 2 of section 4 for two or more municipalities or parts thereof, in a territorial district, the high school board shall be composed of six trustees to be appointed in equal numbers by the councils of such municipalities, provided that if either or any of such municipalities is an urban municipality, the public school board or boards and the separate school board or boards of such urban municipality or municipalities may appoint an additional member of the high school board as in the case of a city, such appointments being made in alternate years by the public school board and by the separate school board where more than one urban municipality forms part of the high school district.

In district
composed of
two or more
municipi-
palities.

6. Subsection 1 of section 22 of *The High Schools Act* is amended by striking out the words “first Wednesday in February” in the fifth line and inserting in lieu thereof the words “second Wednesday in January”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 360, s. 22,
subs. 1,
amended.

- (1) Unless all the members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of

First meet-
ing of board.

the board in each year shall be held at the hour of seven o'clock in the evening of the second Wednesday in January or at such other hour of the same day as may have been determined by resolution of the former board.

Rev. Stat.,
c. 360, s. 24,
cl. h, re-
enacted.

7. Clause *h* of section 24 of *The High Schools Act*, as amended by subsection 1 of section 17 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Transporta-
tion of
pupils.

(*h*) where the board deems it expedient, to provide and pay for the transportation of resident pupils to any high school or vocational school situated in the high school district or in another high school district or grade A or grade B continuation school district and, subject to the approval of the Minister, of county pupils who attend any high school or vocational school under the jurisdiction of the board, and for such purpose,

(i) to purchase out of current revenue or by the issue of municipal debentures, as authorized by this Act, a bus or buses or other vehicles, or

(ii) to enter into an agreement with any corporation, commission or person for the transportation of such pupils.

Commence-
ment of Act

8. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Short title.

9. This Act may be cited as *The High Schools Amendment Act, 1948*.

CHAPTER 38.

An Act to amend The Highway Improvement Act.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 12 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 56, s. 12,
subs. 7, re-
enacted.

 - (7) Where a by-law has been passed for the purpose of establishing a county road system, the council of the county with the approval of the Lieutenant-Governor in Council may amend the by-law by adding roads to or removing roads from the county road system, or in any other manner.

Amendment
of by-laws.
 - (8) Where a road is removed from a county road system pursuant to subsection 7, such road shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate.

Roads re-
moved from
system.
2. Section 52*h* of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947*, is amended by striking out the words "that year have been or are to be levied" in the eighteenth and nineteenth lines and inserting in lieu thereof the words "the previous year have been levied", so that the said section shall now read as follows:

Rev. Stat.,
c. 56, s. 52*h*
(1947,
c. 44, s. 9,
subs. 1),
amended.

 - 52*h*. In the case of a town or village which forms part of a county for municipal purposes, the amount of the estimated expenditure for any calendar year provided for in a by-law passed under this Part shall not exceed a sum equal to twice the amount levied upon such town or village by the county in the previous year under the by-law mentioned in section 12 exclusive of any part thereof levied for the purpose of paying off the town's or village's share of any debenture or other debt of the county, and in all other cases the amount of the estimated expenditure for any calendar

Estimated
expenditure
for calendar
year.

year shall not exceed a sum equal to that which would be produced from the levy by the council of the city, town or village of a rate of two mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for the previous year have been levied.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Highway Improvement Amendment Act, 1948.*

CHAPTER 39.

An Act to amend The Highway Traffic Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of subsection 1 of section 1 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 288, s. 1, subs. 1, cl. *m*, re-enacted.

(*m*) "Public vehicle" shall have the same meaning as in *The Public Vehicle Act*. "Public vehicle".
Rev. Stat., c. 289.

2. Subsections 2 and 3 of section 23 of *The Highway Traffic Act* are repealed and the following substituted therefor: Rev. Stat., c. 288, s. 23, subss. 2, 3, re-enacted.

(2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for any term not exceeding thirty days, and in addition the motor vehicle for which the permit was issued shall be forfeited to His Majesty in right of Ontario. Unlawful possession of permit.

(3) Every person whose license has been suspended or cancelled and who while prohibited from driving a motor vehicle, applies for or procures the issue to him or has in his possession a license, shall be guilty of an offence and liable to a penalty of not less than \$25 and not more than \$100 and to imprisonment for any term not exceeding thirty days. Unlawful possession of license.

3. Section 84 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 288, s. 84, amended.

(3a) An owner of a motor vehicle to whom this Part applies who holds a license in respect of such vehicle under *The Public Vehicle Act* or *The Commercial Vehicles Act*. Owners of public vehicles and public commercial vehicles.

Rev. Stat.,
cc. 289, 290.

Vehicle Act and who has on file in the Department a certificate of insurance in good standing shall not be required to give proof of financial responsibility under this Part in respect of such vehicle.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

4. Subsection 1 of section 92 of *The Highway Traffic Act*, as amended by section 13 of *The Highway Traffic Amendment Act, 1939* and section 17 of *The Highway Traffic Amendment Act, 1941*, is further amended by striking out the words, symbol and figures "in excess of \$25" in the thirteenth line, so that the said subsection shall now read as follows:

Cancellation and
return of
security.

- (1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part as proof of financial responsibility at any time after two years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any two-year period immediately preceding the request, been convicted of an offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Rev. Stat.,
c. 288, s. 93b,
subs. 1
(1947,
c. 45, s. 16,
subs. 1),
amended.

5.—(1) Subsection 1 of section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding at the commencement thereof the words "Subject to section 93bb," so that the said subsection shall now read as follows:

Order
directing
payment of
amount of
judgment.

- (1) Subject to section 93bb, where any person recovers in any court in Ontario a judgment for damages on account of injury to, or the death of any person or damage to property occasioned by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.

(2) Subsection 2 of the said section 93*b* is amended by striking out the word "and" at the end of clause *d*, by inserting the word "and" at the end of clause *e* and by adding thereto the following clause and proviso:

Rev. Stat.,
c. 288, s. 93*b*,
subs. 2
(1947,
c. 45, s. 16,
subs. 1),
amended.

- (f) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be paid out of the Fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*,

Rev. Stat.,
c. 256.

provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses *b*, *c*, *d* and *e* and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements,

so that the said subsection shall now read as follows:

- (2) Upon the hearing of the application the applicant shall show,—

Hearing of
application.

- (a) that he has obtained a judgment as set out in subsection 1 stating the amount thereof and the amount owing thereon at the date of the application;
- (b) that he has caused to be issued a writ of *fiery facias* or execution, and that,
- (i) the sheriff or bailiff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or

- (ii) the amount realized on the sale of goods

seized, or otherwise realized, was insufficient to satisfy the judgment stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

- (c) that he has caused the judgment debtor to be examined, pursuant to the law for that purpose provided, touching his estate and effects and his property and means, and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay in whole or in part, the amount of the judgment;
- (d) that he has made exhaustive searches and inquiries to ascertain whether the judgment debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment;
- (e) that, by such searches, inquiries and examination,
 - (i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or
 - (ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized; and
- (f) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be paid out of the Fund is sought in lieu of

making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*,

provided that where the applicant satisfies the judge that it is not possible to comply with one or more of the requirements enumerated in clauses *b*, *c*, *d* and *e* and also satisfies the judge that he has taken all reasonable steps to recover the amount of the judgment or the unsatisfied part thereof and has been unable to make recovery, the judge may dispense with the necessity for complying with such requirements.

(3) Subsection 4 of the said section 93*b* is amended by striking out the word "and" at the end of clause *b*, by inserting the word "and" at the end of clause *c*, and by adding thereto the following clause:

Rev. Stat.,
c. 288, s. 93*b*
subs. 4
(1947,
c. 45, s. 16,
subs. 1),
amended.

(*d*) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,

- (i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,
- (ii) prosecuting every such action in good faith to judgment or dismissal,
- (iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and
- (iv) taking all other reasonable steps available to him to recover compensation for such damages,

so that the said subsection shall now read as follows:

(4) If the judge is satisfied,—

5.

Order of
judge
directing
payment
(a) from Fund.

- (a) of the truth of the matters shown by the applicant as required by subsection 2;
- (b) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor;
- (c) that there is good reason for believing that the judgment debtor,
 - (i) has no assets liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and
 - (ii) is not insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment; and
- (d) that the applicant has fully pursued and exhausted all remedies available to him for recovering compensation for the damages that are the subject of the action in respect of which the judgment is given by,
 - (i) commencing action against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages,
 - (ii) prosecuting every such action in good faith to judgment or dismissal,
 - (iii) taking all reasonable steps available to him to recover upon every judgment so obtained, and
 - (iv) taking all other reasonable steps available to him to recover compensation for such damages,

the judge may make an order directed to the Minister requiring him, subject to subsection 5, to pay from the Fund the amount of the judgment or the balance owing thereon.

Rev. Stat.,
c. 288, s. 93b,
subs. 5
(1947,
c. 45, s. 16,
subs. 1),
amended.

(4) Subsection 5 of the said section 93b is amended by adding at the end thereof the following proviso:

“provided that where any amount is recovered from any other source in partial discharge of the judgment

debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister",

so that the said subsection shall now read as follows:

- (5) The Minister shall not pay out of the Fund under an order,— Amount of payments from Fund.

- (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
- (b) not more than \$1,000, exclusive of costs, for damage to property resulting from any one accident,

provided that where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

6. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat., c. 288, amended.

93bb.—(1) Section 93b shall not apply in the case of a judgment that has been signed in an action in which,— Application of s. 93b.

- (a) the defendant did not enter an appearance; or
- (b) the defendant did not file a statement of defence; or
- (c) the defendant did not appear in person or by counsel at the trial; or
- (d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2.

Rights of
Minister.

- (2) Where the Minister receives notice under subsection 1, he may, if he deems it advisable, enter an appearance, file a defence, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and all acts done in accordance therewith shall be deemed to be the acts of such defendant.

Rev. Stat.,
c. 288, s. 93e,
subs. 2
(1947,
c. 45, s. 16,
subs. 1),
amended.

7.—(1) Subsection 2 of section 93e of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by striking out the word “and” at the end of clause *b*, by inserting the word “and” at the end of clause *c*, and by adding thereto the following clause:

- (d) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be recovered in the intended action is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*.

Rev. Stat.,
c. 288, s. 93e
(1947,
c. 45, s. 16,
subs. 1),
amended.

(2) The said section 93e is further amended by adding thereto the following subsection:

Where owner
known.

- (3) Where the death or injury is occasioned at a time when the motor vehicle is without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

Rev. Stat.,
c. 288,
amended.

8. *The Highway Traffic Act* is amended by adding thereto the following section:

Application
to add
Registrar as
defendant.

93ff.—(1) Where an action has been commenced in respect of the death of, or injury to any person occasioned in Ontario by a motor vehicle, an application may be made by the plaintiff to add the Registrar of Motor Vehicles as a defendant and the provisions of sections 93e and 93f shall apply *mutatis mutandis*.

- (2) This section shall be deemed not to derogate from the right of any party to an action to add or join any person as a party to the action in accordance with the practice of the court in which the action is pending. Other rights not affected.

9. Section 93*h* of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following sub-section: Rev. Stat., c. 288, s. 93*h* (1947, c. 45, s. 16, subs. 1). amended.

- (3) Where the death or injury was occasioned at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established. Where owner known.

10.—(1) This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

(2) Sections 5 to 9 shall apply to motor vehicle accidents occurring in Ontario after the 1st day of July, 1947, provided that subsection 3 of section 5 and section 6 shall apply only where the trial or assessment of damages, as the case may be, is not concluded before the 1st day of June, 1948. Amendments to Part XIII.A.

11. This Act may be cited as *The Highway Traffic Amendment Act, 1948*. Short title.

CHAPTER 40.

An Act to provide for Greater Aid to Public Hospitals.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “dependant” means a dependant within the meaning of *The Public Hospitals Act*; “dependant”;
Rev. Stat.,
c. 390.
- (b) “Fund” means Hospital Aid Fund; “Fund”;
- (c) “hospital” means a hospital to which *The Public Hospitals Act* applies; “hospital”;
- (d) “Minister” means the member of the Executive Council to whom the administration of *The Public Hospitals Act* is assigned; “Minister”;
- (e) “municipality” means a municipality within the meaning of *The Public Hospitals Act*; “municipality”;
- (f) “patient” means a patient within the meaning of *The Public Hospitals Act*; “patient”;
- (g) “resident” means a resident within the meaning of *The Public Hospitals Act*; “resident”;
- (h) “Treasurer” means Treasurer of Ontario; “Treasurer”;
- (i) “treatment” has the same meaning as in *The Public Hospitals Act*; “treatment”.

2.—(1) There shall be a fund known as the “Hospital Aid Fund” and there shall be kept on the books of the Treasurer an account to be known as the “Hospital Aid Fund Account”.
Hospital
Aid Fund.

(2) There shall be paid into the Fund,—

Payments
into Fund.

(a) all unexpended moneys appropriated by the Legislature for aid to hospitals; and

1948, c. 41. (b) all moneys collected under *The Hospitals Tax Act, 1948*, less the expenses of collection of such moneys,

and if the amount at the credit of the Fund is insufficient to meet the sums required under this Act, the deficiency shall be made up out of the Consolidated Revenue Fund.

Regulations.

3.—(1) The Lieutenant-Governor in Council may make regulations,—

(a) prescribing classes of grants;

(b) prescribing methods of determining the amounts of grants;

(c) providing for the manner and times of payment of grants;

(d) providing for the suspension or withholding of grants and for the making of deductions from grants;

(e) respecting any other matter necessary or advisable to carry out effectively the purpose of this Act.

Idem.

(2) The classes, groups, grades, total bed capacity and public ward bed capacity of hospitals for the purpose of the regulations made under subsection 1 shall be as set out from time to time in the regulations under *The Public Hospitals Act*.

Surpluses.

(3) Any moneys remaining in the Fund at the end of a fiscal year shall be carried forward to the ensuing fiscal year.

Grants in aid.

(4) The moneys in the Fund shall be disbursed as grants to aid hospitals and to no other purpose.

Liability for indigent patients.

4. When any patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which such person was resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at the following rates:

Rev. Stat., c. 390.

(a) in the case of a hospital which in the regulations under *The Public Hospitals Act* is classed as a Group A hospital, at the rate of \$3 per day; and

(b) in the case of a hospital which in the regulations under *The Public Hospitals Act* is classed as a Group B hospital, at the rate of \$2.50 per day; and

(c) in the case of all other hospitals, at the rate of \$2.25 per day.

5. *The Public Hospitals Act* is amended as follows: Repeal.

1. Clause *j* of section 1 is repealed.
 2. Clause *gg* of section 4, as enacted by section 1 of *The Public Hospitals Amendment Act, 1945*, is repealed.
 3. Clause *h* of section 4 is repealed.
 4. Section 10 is amended by striking out the words "under this Act" in the third line.
 5. Section 16, as re-enacted by section 4 of *The Public Hospitals Amendment Act 1945* and amended by section 1 of *The Public Hospitals Amendment Act, 1947*, is repealed.
 6. Section 17 is amended by striking out the words "in lieu of under this Act" at the end thereof.
 7. Section 21 is amended by striking out the words "as provided for in this Act" at the end thereof.
 8. Subsection 1 of section 24 is amended by striking out the words "liable under this Act" in the fifth line.
 9. Subsection 1*c* of section 24, as enacted by section 3 of *The Public Hospitals Amendment Act, 1940*, is amended by striking out the words "as provided for in this Act" at the end thereof.
 10. Section 26 is amended by striking out the words "under this Act" in the third and tenth lines respectively.
 11. Section 28 is amended by striking out the words "under this Act" in the first line.
 12. Section 31 is repealed.
 13. Section 32 is repealed.
- 6.** This Act shall come into force on a day to be named by ^{Commence-}the Lieutenant-Governor by his Proclamation. ^{ment of Act.}
- 7.** This Act may be cited as *The Hospitals Aid Act, 1948*. ^{Short title.}

CHAPTER 41.

An Act to impose a Tax on Amusements to Provide
for Greater Aid to Public Hospitals.*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. In this Act,—

Interpreta-
tion,—

- (a) "admission" includes entry to any place of amusement "admission";
where any charge is made or fee is collected after
entry;
- (b) "Controller" means the Controller of Revenue; "Control-
ler";
- (c) "owner" means a person who operates a place of "owner";
amusement in Ontario;
- (d) "place of amusement" means any theatre, moving- "place of
picture hall, dance hall, amusement hall, concert amuse-
ment";
hall, music hall, circus, side-show, carnival, amuse-
ment park, race-course, baseball park, athletic park,
skating rink, or place at or in which an exhibition
or entertainment is given or amusement is provided
or facilities are provided therefor or game is played,
where an entrance fee is charged or fee collected
through the sale of tickets or otherwise, or where
after admission a charge is made or fee collected,
and includes any place where dances are held or
facilities for dancing provided or a performance or
entertainment is given before, during or after the
service of meals or refreshments;
- (e) "price of admission" includes any charge made or fee "price of
collected after admission to a place of amusement, admission";
and any charge made in a place of amusement for
meals or refreshments that are served in conjunction
with any dance, performance or entertainment;

"purchaser"; (f) "purchaser" means any person who purchases admission to any place of amusement;

"regulations"; (g) "regulations" mean regulations made under the authority of this Act; and

"Treasurer". (h) "Treasurer" means the Treasurer of Ontario.

Licences. 2.—(1) No owner shall sell admission to a place of amusement unless a licence therefor has been, upon his application, issued to him under this Act, and unless such licence is in force at the time of sale.

Expiry. (2) Such licence shall remain in force until the 31st day of March next following the date of issue.

Application. (3) The application for such licence shall be filed with the Controller.

Granting of licences. (4) Such licence shall be granted by the Treasurer or by such officer as he may appoint, upon payment by the owner of \$1 to the Treasurer for the use of His Majesty in right of Ontario.

Posting up of licences. (5) Such licence shall be placed in public view in the office of the owner at which admission is sold to the purchaser.

Cancellation of licences. (6) The Treasurer may cancel or suspend the licence of, or may refuse to issue a licence to, any owner who has been found guilty of an offence under this Act.

Information. (7) The application for a licence shall contain the name and address of the owner; and if such owner is a partnership, the names and addresses of each partner; and if the owner is a corporation, club, association or syndicate, the name and address of the president, if he resides in Ontario, and if not, the name and address of its resident manager or representative, and the address of its chief place of business in Ontario.

Tax. 3. Every purchaser shall pay to the Treasurer for the use of His Majesty in right of Ontario a tax at the rate of twenty per centum calculated upon the price of admission charged by the owner, and, in the calculation, every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent.

Disposition of tax. 4.—(1) The taxes paid under this Act, less the expenses of collection thereof shall be paid into the fund established under 1948, c. 40. *The Hospitals Aid Act, 1948.*

Collection expenses. (2) The expenses of collecting the taxes imposed by this Act shall be paid out of the Consolidated Revenue Fund, and

at the end of each fiscal year the Consolidated Revenue Fund shall be reimbursed for the sums so paid out from the taxes imposed by this Act.

5.—(1) Every owner shall, as the agent of the Treasurer, Collection. collect the tax imposed by this Act.

(2) For the purpose of collecting the tax, the Treasurer Arrange- may enter into such arrangement with each owner as he may ments for deem expedient and may provide for the payment of such collection. remuneration to each owner as he may deem proper.

6. Every owner shall inform every purchaser of the price or Price of prices of admission to his place of amusement and of the admission amount of the tax to be paid by the purchaser by placing in and tax. public view at the office of the owner where admission may be purchased a schedule showing such price or prices and the amount of such tax.

7. Every owner shall, upon the request of the purchaser, Sale deliver to him a writing showing his name, his address, the invoices. number of his licence issued under this Act, the price of admission charged to the purchaser, and separately stated, the amount of the tax payable or paid by the purchaser.

8. No owner shall advertise or hold out or state to the Absorption public or to any purchaser, directly or indirectly, that the tax of tax or any part thereof imposed by this Act will be assumed or prohibited. absorbed by the owner or that it will not be considered as an element in the price to the purchaser or, if added, that it or any part thereof will be refunded.

9.—(1) Where special circumstances exist, whether of a Exemptions. religious, charitable or educational nature or otherwise, the Lieutenant-Governor in Council may, upon application of the owner made to the Treasurer at least ten days before the tax would otherwise be payable, exempt the purchaser from payment and the owner from collection of the tax imposed by this Act.

(2) Where it is shown to the satisfaction of the Treasurer Entertain- that the tax calculated on the price of admission to a place of ments for amusement at or in which an entertainment has been held for religious, the purpose of raising funds for religious, charitable or edu- charitable cational purposes, was collected and paid to the Treasurer in or educa- accordance with this Act, and where the owner files with the tional pur- Controller a statement, verified by his affidavit, giving in poses. detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of such proceeds is attached thereto, and where the Treasurer is satisfied that

such organization is one the operations of which are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, the Treasurer may pay to such organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by such organization bear to the gross amount received by the owner as the price of admission to such entertainment.

Monthly
returns.

10.—(1) Every owner shall, as the agent of the Treasurer, on or before the tenth day of each month, without notice or demand, deliver to the Controller such return as is required for the purposes of carrying out the provisions of this Act.

Verification
of returns.

(2) The return shall be verified by the certificate of the owner, and, if the owner is not an individual, of his president or his resident manager or representative in Ontario, certifying that the financial statements for the preceding month, attached to the return, showing the receipts of the place of amusement, the amount of the tax collectable under this Act and such other information as is required, are in agreement with the books of the owner and exhibit truly and correctly all the business of the owner at his place of amusement during the preceding month.

Penalty for
sale of ad-
mission
unless
licensed.

11.—(1) Every owner who fails to comply with subsection 1 of section 2 shall be guilty of an offence and liable to a penalty for each sale, in addition to the costs, of not less than \$10 and not more than \$1,000 and, in default of payment of the costs and penalty, to imprisonment for three months.

Penalty for
failure to
pay tax.

(2) Every purchaser who fails to pay the tax imposed under this Act shall be guilty of an offence and shall be liable to a penalty of not less than \$10 and not more than \$200.

Penalty for
failure to
collect tax.

(3) Every owner who refuses or neglects to collect, account for or remit the amount of the tax in accordance with this Act or the regulations, shall be guilty of an offence and shall be liable, in addition to the remittance of the tax, to a penalty for each day during which such offence continues, of not less than \$10 and not more than \$1,000 and in default of payment, to imprisonment for three months.

Penalty for
default in
filing return.

(4) Every owner who fails to comply with subsection 1 of section 10 shall pay a penalty of five per centum of the tax collectable by such owner; provided that in no case shall such penalty be more than \$500.

Failure to
complete
return.

(5) When any owner fails to complete the information required on the monthly return to be delivered to the Controller under subsection 1 of section 10, such owner shall be

liable to a penalty of one per centum of the tax collectable by him; provided that in no case shall such penalty be less than \$1 or more than \$20.

(6) Every employee of an owner who permits or authorizes or is a party or privy to, the admission of any purchaser to a place of amusement without collecting from such purchaser the tax imposed under this Act, shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$500.

(7) In addition to the penalties provided by this Act, the Treasurer may apply to a judge of the Supreme Court for an injunction against any owner who sells admission to his place of amusement without having been granted a licence under this Act, which is still in force, ordering him to cease selling such admission and to close his place of amusement until a licence is granted and all costs are paid.

12. The Treasurer may, before or after the time for making it, enlarge the time for making any return.

13.—(1) Every owner shall remit with the monthly return required by subsection 1 of section 10, the amount of the tax collectable by him as shown therein.

(2) When any owner remits less than the amount of the tax collectable as shown by the return, he shall pay interest at the rate of seven per centum per annum upon the deficiency calculated from the date of default until the date of remission to the Treasurer.

14.—(1) If the Controller, in order to enable him to make an accounting of the tax collectable by the owner under this Act, or for any other purpose desires any information or additional information, or a return from any owner who has not made a return or a complete or sufficient return, he may, by registered letter, demand from such owner or from the president, manager, secretary, or any director, agent or representative thereof, such information, additional information or return, and the owner, president, manager, secretary, or any director, agent or representative upon whom such a demand is made shall deliver to the Controller such information, additional information or return within thirty days of the mailing of such registered letter.

(2) The Controller may, by registered letter, require the production under oath or otherwise, by any owner or the president, manager, secretary, or any director, agent or representative of such owner, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any

portion of the income of such owner, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

Books of
account to
be kept.

(3) If any owner fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax collectable by him under this Act, the Controller may require such owner to keep such records and accounts as he may prescribe.

Penalty.

(4) For every default in complying with the provisions of subsections 1 to 3 the owner or the persons, or both, in default shall jointly and severally be liable to a penalty of \$25 for each day during which the default continues.

Compliance
of Treasurer
or Controller
etc., to be
proved by
affidavit.

(5) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer or of the Controller with this section, as well as the failure of any owner or person to comply with the requirements of this section, shall be sufficiently proven in any court by affidavit of the Treasurer or of any officer of the Treasury Department of Ontario.

Inquiry as
to amount
of tax col-
lectable.

(6) Any officer authorized by the Treasurer may make such inquiry as he may deem necessary to ascertain the amount of any tax collectable by any owner under this Act, and for the purposes of such inquiry, such officer shall have all the powers and authority that may be conferred upon a Commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Treasurer
or Controller
not bound by
returns.

(7) No return or information supplied by or on behalf of any owner shall be binding upon the Treasurer or the Controller, and notwithstanding any such return or information, or in the absence of any return or information, the Controller may determine the amount of the tax collectable by any owner.

Notice of
accounting.

(8) After examination of the return of the owner the Controller shall send a notice of accounting to such owner verifying or altering the amount of tax shown to be collectable by the owner in his return, and any additional tax found to be collectable over the amount shown in the return shall be remitted within one month from the date of mailing of the notice of accounting, and subject to section 13, such additional tax shall bear interest at the rate of four per centum per annum calculated from the last date prescribed for making such return to the date of remission to the Treasurer.

Penalty for
non-payment
of additional
taxes.

(9) If any owner fails to remit such additional tax and interest within one month after the date of the mailing of the notice of accounting, the owner shall pay, in addition to the

interest provided by subsection 8, interest at the rate of three per centum per annum upon such additional tax from the expiry of the period of one month after the date of the mailing of the notice of accounting to the date of remission to the Treasurer.

15.—(1) The Treasurer may refund before or after the issue of the notice of accounting any amount which the owner has remitted in excess of the taxes collectable or of the interest or penalties payable by him, if application in writing is made therefor by the owner within six months of the date of remission of the tax or the date on which the notice of accounting was issued. ^{Refunds.}

(2) Any refund under this section may be paid with interest at the rate of three per centum per annum calculated upon the amount by which the tax remitted exceeds the amount of tax collectable as determined in the notice of accounting, provided that in no case shall interest be paid where the refund of tax is less than \$50. ^{Idem.}

16. Notwithstanding any prior accounting or where no accounting has been made, the owner shall continue to be liable for any tax which is collectable and which has not been remitted by him under this Act. ^{Continuance of liability.}

17. Upon default of remission by any owner of any tax collectable by him or any penalty payable by him under this Act,— ^{Recovery of tax or penalty.}

- (a) the Treasurer may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;
- (b) the Treasurer may issue a warrant and direct it to the sheriff of any county or district in which any property of the owner is located or situate, for the amount of the tax, interest and penalty, or any of them owing by the owner to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court; or
- (c) the Treasurer or any officer authorized by him may enter upon the premises of the owner or any other

place in Ontario where the books or records of the owner or any part of them are kept and make such investigation and examination as he may deem necessary, and may seize all or any of such books and records and may, by notice in writing, require that any person who may be indebted to such owner shall pay such indebtedness to the Treasurer.

Information
or complaint
within three
years.

18. Any information or complaint with respect to any violation of this Act or the regulations may be laid or made within three years from the time when the matter of such information or complaint arose.

Penalties
payable to
Treasurer.

Rev. Stat.,
c. 136.

19. Except where otherwise specifically provided, the penalties imposed by this Act shall be recoverable under *The Summary Convictions Act* and shall be payable to the Treasurer.

Remedies
for recovery
of tax and
penalties.

20. The use of any remedy shall not bar or affect any other remedy and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act shall be in addition to any other remedies existing by law, and no action or other proceeding shall in any way prejudice, limit or affect any lien, charge or priority existing under this Act or otherwise.

Manner of
serving
notice.

21.—(1) A notice under clause *c* of subsection 1 of section 17 may be served personally or by prepaid registered post addressed to such person at the address indicated in the books or records of the owner, and the receipt of payment of the amount of the indebtedness by the Treasurer shall constitute a good and sufficient discharge of the liability of such person to the owner to the extent of the amount indicated in the receipt.

Liability
of debtor.

(2) Any person discharging any liability to an owner owing taxes collectable by him or penalties payable by him, or both, under this Act after the service of the notice referred to in subsection 1 shall be personally liable to the Treasurer to the extent of the amount of the liability discharged between such person and such owner or to the extent of the amount of taxes collectable by such owner, or interest and penalties payable by him, or both, owing under this Act, whichever is the lesser amount, and the Treasurer shall have the same remedies for the recovery of such amount from such person as he has for the recovery from the owner of a tax collectable or penalty payable by him under this Act.

Priority
of tax.

22. Every tax collectable and every penalty payable by any owner under this Act shall be a first lien and charge upon his property in Ontario.

23. Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and liable to a penalty of not less than \$50 and not more than \$500. General penalty.

24. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;
- (b) providing for the collection of the tax imposed under this Act by the issuance of tickets wherever it is deemed advisable;
- (c) providing for the exemption of the purchaser from the payment and the owner from the collection of the tax that would otherwise be payable and collectable under this Act where the Treasurer, in his absolute discretion, determines that the entertainment given, amusement provided or game played is for religious, charitable or educational purposes; and
- (d) respecting any other matter necessary or advisable to carry out effectively the purpose of this Act.

25. Declarations or affidavits in connection with returns under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor. Declarations or affidavits.

26.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Secrecy.

(2) Any person violating the provisions of this section shall be guilty of an offence and liable to a penalty of not more than \$200. Penalty.

27. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

28. This Act may be cited as *The Hospitals Tax Act, 1948.* Short title.

CHAPTER 42.

The Hotel Fire Safety Act, 1948.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "fire door" means a hollow metal, metal-clad, sheet metal, steel or two-ply tin-clad door that is automatic or self-closing;
- (b) "Fire Marshal" means the Fire Marshal of Ontario; "Fire Marshal";
- (c) "fire-resistive construction" means construction in which,
 - (i) the exterior walls are wholly of brick, stone, concrete, hollow block, solid block or the equivalent,
 - (ii) the interior walls and partitions are made of incombustible materials,
 - (iii) the floors and their supports are made of incombustible materials other than the floor covering, which may be wood, and
 - (iv) the roofs are made of incombustible materials;
- (d) "fire wall" means a partition wall of fire-resistive construction extending from the ground to a point three feet above the roof and in which all openings are protected by fire doors;
- (e) "grade" means the average level of the ground next to the building; *New*.
- (f) "hotel" means any hotel, tavern, inn or public house in one building or in two or more connected or adjacent buildings used mainly for the purpose of

catering

catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation of not less than ten bedrooms and includes all premises licensed under *The Liquor Licence Act, 1946*, but does not include premises commonly known as boarding houses and apartment houses; R.S.O. 1937, c. 320, s. 1, cl. (a), *amended*.

"incombustible";

(g) "incombustible" as applied to a material or combination of materials means steel, iron, brick, tile, concrete, slate, asbestos, wired glass, cement or gypsum plaster or other material that will not fuse, burn or disintegrate when exposed to a temperature of 1,000 degrees Fahrenheit for a period of one hour;

"inspector";

(h) "inspector" means an inspector appointed under this Act;

"panic bolt";

(i) "panic bolt" means a bolt or lock that can be opened at all times from the inside by downward pressure on a bar or lever;

"regulations";

(j) "regulations" mean regulations made under this Act;

"self-closing";

(k) "self-closing" as applied to a door, window or other protection for an opening, means that such door, window or other protection is normally closed and will immediately return to the closed position when it is opened and released;

"smoke-proof";

(l) "smoke-proof" means constructed so as to prevent the rapid passage of smoke and flames; and

"storey".

(m) "storey" means that portion of a building between the top of any floor and the top of the next floor above it, or if there is no floor above it, that portion between the top of such floor and the ceiling above it, and the storey closest to grade having its ceiling more than six feet above grade shall be deemed to be the first storey. *New*.

What hotels to be fire-resistive.

2.—(1) Every hotel more than two storeys in height hereafter constructed or remodelled, every addition more than two storeys in height hereafter made to any hotel, and every building more than two storeys in height hereafter converted for use as an hotel, shall be of fire-resistive construction.

Requirement for a fire wall.

(2) Where an addition is hereafter made to any hotel and either the addition or the hotel is not of fire-resistive construction, there shall be a fire wall between the addition and the hotel. *New*.

3.—(1) There shall be not less than two stairway systems in or in connection with every hotel, located as far apart as possible and so as to provide not less than two independent means of egress for the occupants on each floor.

Minimum number and location of stairways.

(2) Every stairway in or in connection with an existing hotel more than two storeys in height shall be fully enclosed and smoke-proof, provided that an exterior iron stairway with balconies at each floor or a metal tubular or spiral fire-escape may, with the written permission of the inspector be used in lieu of a fully enclosed and smoke-proof stairway.

Stairways in existing hotels.

(3) Every stairway in or in connection with,—

Stairways in hotels hereafter built.

(a) an hotel more than two storeys in height hereafter constructed or remodelled;

(b) an addition more than two storeys in height hereafter made to an hotel; or

(c) a building more than two storeys in height hereafter converted for use as an hotel,

shall be fully enclosed, smoke-proof and of fire-resistive construction.

(4) Notwithstanding subsections 2 and 3, any stairway extending only to the second or mezzanine storey in an hotel of fire-resistive construction may be an open stairway.

Exception.

(5) Every stairway from any portion of an hotel, other than from a place of public assembly, shall have a clear width of not less than twenty-two inches, and each step shall have not less than a ten-inch tread and not more than an eight-inch rise except that, where structural difficulties exist, the inspector may give written permission for steps having not less than an eight-inch tread.

Minimum width of stairways.

(6) Every stairway from any portion of an hotel used as a place of public assembly shall have a clear width of not less than forty-four inches, and each step shall have at least a ten-inch tread and not more than an eight-inch rise.

Minimum width of stairways from place of assembly.

(7) Where in any hotel more than two storeys in height any stairway is located so as to require the users thereof to pass through a lobby or other place of public assembly in order to reach the outside of the building, the inspector may make an order requiring the lobby or other place of public assembly to be equipped with an automatic sprinkler system. *New.*

Where stairway does not give direct egress.

4.—(1) No exterior stairway of,—

Exterior stairways in hotels hereafter built;

- (a) an hotel more than two storeys in height hereafter constructed or remodelled;
- (b) an addition more than two storeys in height hereafter made to an hotel; or
- (c) a building more than two storeys in height hereafter constructed for use as an hotel,

shall extend more than five storeys above grade. *New.*

to extend
to ground.

(2) Every exterior stairway of an hotel shall extend to the ground, provided that the inspector may give written permission for the bottom flight of such stairway to be counter-balanced. R.S.O. 1937, c. 320, s. 2 (2), *amended.*

Windows
and doors
beneath
exterior
stairways.

5.—(1) Every window, except a first-storey display window, in an hotel beneath any portion of an exterior stairway or opening onto or within ten feet of an exterior stairway, shall be provided with wired glass and every door similarly located shall be metal-clad.

No other
wall open-
ings.

(2) There shall be no wall opening, other than a door or window, beneath or within ten feet of an exterior stairway of an hotel.

Doors and
windows
opening to
stairways.

(3) Every door and window opening to a stairway in or in connection with an hotel shall be not less than thirty inches in width and shall be hinged to open outwards with the line of exit travel and equipped with panic bolts only. *New.*

Balconies
and landings.

6. The width of every balcony and landing in connection with a stairway in or in connection with an hotel shall be not less than the width of the door leading to it and shall have an area of not less than twelve square feet. R.S.O. 1937, c. 320, s. 3, *amended.*

Railings.

7. Every exterior stairway shall have an iron railing not less than thirty-two inches in height, measured perpendicularly from the nosing of the step, and every balcony and landing in connection with an exterior stairway of an hotel shall have an iron railing not less than three feet in height on all sides. *New.*

Passage-
ways.

8. Every passageway in an hotel leading to an exit door or stairway shall be not less than three feet in width and the walls and ceiling thereof shall be surfaced with plaster, plaster board or other incombustible material unless it is protected with an automatic sprinkler system. *New.*

Approaches
to stair-
ways.

9. The approaches to every stairway in an hotel shall be unobstructed and shall not be through a room used as a bedroom or bathroom or for any purpose that may obstruct

free passage, and no such approach shall be veiled from open view by any ornamentation, curtain or other thing. R.S.O. 1937, c. 320, s. 4 (1), *amended*.

10. Rotating doors may be installed in hotels at exterior entranceways only and shall be collapsible and flanked within fifteen feet by one or more doors that open outwards and that have a total width of not less than forty-four inches. *New.* Rotating doors.

11.—(1) Every exit sign in an hotel shall have the word "EXIT" displayed in block letters not less than six inches in height and coloured white on a red background or coloured red on a contrasting background, provided that luminous signs of equivalent visibility may be used in lieu thereof. Exit signs.

(2) Where electricity is available, every exit sign in an hotel shall be illuminated during the night by an electric lamp supplied from a circuit separate from the domestic electric system. R.S.O. 1937, c. 320, s. 5 (1), *amended*. Electric exit signs.

(3) Every hotel shall have an exit sign placed above or beside every exit door and every exit window so as to be clearly visible. *New.* Location of exit signs.

12. Every hotel shall display signs in such manner and in such locations as the inspector may order indicating the directions of travel to reach the exits. R.S.O. 1937, c. 320, s. 5 (2), *amended*. Directional signs.

13. Every hotel shall display in each bedroom a floor plan showing the location of the exits and indicating the directions of travel to reach them and also a notice giving the fire safety rules of the hotel. R.S.O. 1937, c. 320, s. 5 (3), *amended*. Notices to be displayed in each bedroom.

14. Every exterior stairway, balcony, landing, exit door and exit window shall be kept free at all times from obstructions including ice and snow. R.S.O. 1937, c. 320, s. 6, *part, amended*. Exits to be kept clear.

15. Every elevator shaft in an hotel shall be fully enclosed with incombustible materials and the top thereof shall be equipped with heat-actuated vents, and every elevator door shall be of metal and wired glass without openings. *New.* Elevator shafts and doors.

16. Every boiler or furnace room in an hotel shall be of fire-resistive construction and shall be equipped with fire doors. *New.* Boiler and furnace rooms.

17. Every hotel not completely equipped with an automatic Where watchmen to be employed.

matic sprinkler system or a heat-actuated fire detection system and containing twenty or more bedrooms above the first storey shall have a watchman on duty from ten o'clock each night until six o'clock the following morning, and every watchman shall be equipped with a watchman's clock and he shall make a round of the hotel at least once every hour during his duty period. R.S.O. 1937, c. 320, s. 8, *amended*.

Where fire
fighters to
be on duty.

18. Every hotel containing fifty or more bedrooms above the first storey shall have at least one adult male employee trained in fire fighting to the standard prescribed by the regulations on duty at all times within the hotel, provided that this section shall not apply where the hotel is in a municipality that has a fire department and where the hotel is completely equipped with an automatic sprinkler system or a heat-actuated fire detection system connected electrically with an alarm in the fire department or with a central signal supervisory service. *New*.

Fire alarms.

19. Every hotel shall have a fire-alarm system capable of being heard throughout the hotel and of being operated from each floor and from the hotel office. *New*.

Smoke-proof
barriers.

20.—(1) Every hotel not of fire-resistive construction shall have smoke-proof barriers in such locations as the inspector may order.

Power to
require
sprinkler
systems.

(2) The inspector may make an order requiring any hotel not of fire-resistive construction that is four or more storeys in height and is in a city or that is three or more storeys in height and is in any other part of Ontario to have an automatic sprinkler system or a heat-actuated fire detection system. *New*.

Duty to
call fire
department.

21. When a fire is discovered in an hotel in a municipality having a fire department, the manager or other person in charge shall immediately call the fire department. *New*.

Special
powers of
inspectors.

22. Where an inspector finds that any condition exists in an hotel that makes the hotel specially liable to fire, he may make an order directing the hotelkeeper to remedy the condition. *New*.

Orders of
inspector.

23.—(1) Where an inspector makes an order under this Act he shall cause a copy of the order to be delivered to the hotelkeeper by personal service or by registered mail.

Right of
appeal.

(2) If the hotelkeeper feels aggrieved by the order he may appeal within ten days from the service of the order to the Fire Marshal who shall examine the order and affirm, modify or revoke the same and cause a copy of his decision to be

delivered to the hotelkeeper by personal service or by registered mail.

(3) If the hotelkeeper is dissatisfied with the decision of the Fire Marshal, he may, within ten days from the service of the decision, apply by way of originating notice according to the practice of the court, to the judge of the county or district court of the county or district in which the hotel is situate, for an order modifying or revoking the order, and the judge, upon such application, may affirm, modify or revoke the order and his decision shall be final. Right of application to court.

(4) If an application to the county or district judge is not prosecuted by the hotelkeeper within thirty days from the filing of the originating notice, the judge may dismiss the application at the request of the Fire Marshal. *New.* Failure to prosecute application.

24.—(1) Every hotelkeeper who operates an hotel that does not conform with this Act and the regulations or who fails to comply with any order made by an inspector shall be guilty of an offence and shall upon summary conviction be liable to a penalty of not less than \$25 and not more than \$500, and, in addition, the court may order the hotel to be closed until it is made to conform with this Act and the regulations or with the order of the inspector. Penalties.

(2) The conviction under this Act of any hotelkeeper shall not operate as a bar to further prosecution under this Act for the continued failure on the part of such hotelkeeper to comply with this Act and the regulations or the order of an inspector but such continuance shall constitute a new and separate offence. R.S.O. 1937, c. 320, s. 9, *amended.* Conviction not bar to further charge.

25. The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act and the regulations. *New.* Inspectors,—appointment of.

26. The Lieutenant-Governor in Council may make regulations,— Regulations.

(a) requiring the submission of drawings and specifications to the Fire Marshal for review and approval prior to the construction, alteration or remodelling of and additions to hotels;

(b) prescribing the mode of, and the materials to be used in, the construction, alteration or remodelling of and additions to hotels or any designated class thereof;

(c) prescribing the mode of erection or installation of

stairways, balconies, fire walls, doors, windows, exits and fire-prevention, fire-protection and fire-alarm equipment in or outside of any hotel or any designated class thereof, and the materials to be used therein;

- (d) prescribing the mode of the construction of heating, ventilating and air-conditioning systems in hotels or any designated class thereof;
- (e) regulating the location, arrangement and maintenance of places of public assembly in hotels or any designated class thereof, and prescribing the mode of construction of such places;
- (f) controlling or prohibiting exhibits and displays in hotels or any designated class thereof;
- (g) controlling or prohibiting the use of flammable decorations, curtains and drapes in hotels or any designated class thereof;
- (h) prescribing the standards of housekeeping for hotels;
- (i) prescribing a standard of training in fire-fighting for employees of hotels; and
- (j) generally for the better carrying out of this Act. 1941, c. 55, s. 14 (2), *amended*.

Municipal
by-laws not
affected.

27. Nothing in this Act or the regulations shall affect any by-law relating to the matters mentioned herein and lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law in so far as such by-law imposes additional or more stringent requirements than those contained in this Act. R.S.O. 1937, c. 320, s. 10, *amended*.

Rev. Stat.,
c. 320;
1941, c. 55,
s. 14,
repealed.

28. *The Hotel Fire Accidents Prevention Act* and section 14 of *The Statute Law Amendment Act, 1941*, are repealed.

Short title.

29. This Act may be cited as *The Hotel Fire Safety Act, 1948*.

CHAPTER 43.

An Act to amend The Hotel Registration of Guests Act, 1944.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Hotel Registration of Guests Act, 1944*, is amended 1944, c. 25, amended. by adding thereto the following section:

4a.—(1) In every room used for sleeping accommodation in an hotel there shall be kept posted in a conspicuous place a notice specifying the rates charged for such room. Notice of rates to be posted.

(2) Every owner and every manager of an hotel who fails to keep posted the notice required by subsection 1 shall be guilty of an offence and shall incur a penalty of not more than \$100. Penalty for failure to post notice.

2. This Act may be cited as *The Hotel Registration of Guests Amendment Act, 1948*. Short title.

CHAPTER 44.

An Act to assist the Development of Housing
Accommodation.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) “building development” means a project designed to furnish housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor, and includes a plan for the re-development of land devoted to urban uses designed to increase and improve the housing accommodation thereon; and
- (b) “building development corporation” means a corporation authorized to undertake a building development that is approved by the Lieutenant-Governor in Council, and includes any authority established by a municipality to undertake a building development.

2. The Lieutenant-Governor in Council may guarantee money loaned to persons by corporations authorized to loan money where the money so loaned is to be used in the construction of housing accommodation.

Government may guarantee housing loans.

3. The Lieutenant-Governor in Council may make grants in aid of any building development.

Government may assist in financing.

4. The Lieutenant-Governor in Council may advance moneys or guarantee moneys to be advanced to any building development corporation undertaking a building development.

Government may assist in financing.

5. Notwithstanding any other Act heretofore passed, any municipality, with the approval of the Lieutenant-Governor in Council, may advance moneys or guarantee moneys to be advanced to any building development corporation undertaking a building development, and may issue debentures therefor.

Municipalities may assist in financing.

Government
moneys to
be paid out
of Con. Rev.
Fund.

6. The moneys required by the Lieutenant-Governor in Council for the purposes of this Act shall be paid out of the Consolidated Revenue Fund.

Cost of
administra-
tion.

7. The cost of administration of this Act shall be paid out of the Consolidated Revenue Fund.

Administra-
tion of Act.

8. This Act shall be administered by the Minister of Planning and Development or such other member of the Executive Council to whom it may be assigned by the Lieutenant-Governor in Council.

Regulations.

9. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the terms and conditions upon which money may be granted, advanced or guaranteed under this Act; and

(b) providing for the incorporation, constitution and management of building development authorities.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Housing Development Act, 1948.*

CHAPTER 45.

An Act to suspend The Income Tax Act (Ontario).

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any of the provisions of *The Personal Income Tax Act* (Ontario) and amendments, no tax shall be levied under the said Act on income of the calendar year nineteen hundred and forty-eight and no person shall be required, without a notice or demand in writing from the Comptroller of Revenue or the Commissioner of Income Tax of Canada, or an officer of the Government of Canada on behalf of the Government of Ontario or an officer of the Government of Ontario authorized to make such demand, to file returns under the said Act of income earned during the calendar year nineteen hundred and forty-eight, but nothing herein contained shall affect any of the provisions of the said Act with respect to the income of any person earned prior to the calendar year nineteen hundred and forty-one.

(2) The provisions of section 33 of *The Income Tax Act* (Ontario) requiring any person to deliver a return upon notice or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding this Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

3. This Act may be cited as *The Income Tax Suspension Act, 1948*.

CHAPTER 46.

An Act to amend The Industrial Farms Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Industrial Farms Act* is amended by adding thereto the following section: Rev. Stat.,
c. 387,
amended.

9a.—(1) The Lieutenant-Governor in Council may authorize, direct or sanction the employment of any prisoner upon any specific work or duty beyond the limits of the industrial farm. Employment
beyond the
precincts.

(2) Every such prisoner during such employment shall be subject to all the provisions of this Act and the regulations and the discipline of the industrial farm. Conditions
of employ-
ment.

2. This Act may be cited as *The Industrial Farms Amendment Act, 1948.* Short title.

CHAPTER 47.

An Act to amend The Industrial Standards Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Industrial Standards Act* is amended by adding thereto the following section: Rev. Stat., c. 191, amended.

19.—(1) In this section “retail gasoline service industry” shall mean the business of operating retail gasoline service stations, gasoline pumps or outlets where gasoline is offered for sale at retail, including washing, waxing, oiling or lubricating automotive vehicles, repairing or changing tires and other services and undertakings incidental thereto, but shall not include a gasoline outlet on the premises of an employer and used in the fueling of automotive vehicles owned or operated by the employer. “Retail gasoline service industry”.

(2) Notwithstanding anything in this Act, no schedule applicable to the retail gasoline service industry shall prescribe the hours of the day during which the hours of work may be performed or shall establish the particular days of the week for the performance of labour in the industry. Exception as to retail gasoline service industry.

2. In this Act “retail gasoline service industry” shall have the same meaning as in section 19 of *The Industrial Standards Act*. “Retail gasoline service industry” defined.

3. The provisions of every schedule applicable to the retail gasoline service industry that prescribe the hours of the day during which the hours of work may be performed or that establish the particular days of the week for the performance of labour in the industry shall be void after the 30th day of April, 1948. Existing schedules modified.

4. The council of any municipality in which or in part of which the provisions mentioned in section 3 are in force may, by-law, Early modification by

by by-law, declare that such provisions shall not apply in the municipality or part, and upon the passing of the by-law such provisions shall cease to apply in the municipality or part, as the case may be.

Modified
schedule
confirmed.

5.—(1) Every schedule modified under this Act is confirmed as so modified.

Filing
and publi-
cation.

1944, c. 52.

(2) The Minister of Labour may direct that any schedule modified under this Act shall, as so modified, be filed and published under *The Regulations Act, 1944*, and the Minister's direction shall be authority for so doing.

Posting up.

Rev. Stat.,
c. 191.

(3) Every employer affected by any schedule modified under this Act shall cause the copies of the schedule posted up pursuant to section 10 of *The Industrial Standards Act* to be replaced by copies of the schedule as so modified.

Where zone
comprises
more than
one muni-
cipality.

6. Where a zone for the retail gasoline service industry comprises more than one municipality, the provisions mentioned in section 3 shall, as long as they are in force, apply in each municipality or part of a municipality within the zone as if each municipality or part were designated as a separate zone.

Cessation
of powers.

7. The Minister of Labour, the Industry and Labour Board and every Industrial Standards Officer shall cease to have any powers and duties under *The Industrial Standards Act* in respect of the provisions mentioned in section 3.

Prosecutions.

8. No prosecution shall be instituted under *The Industrial Standards Act* for a contravention of the provisions mentioned in section 3 except with the consent expressed by resolution of the council of the municipality in which the contravention is alleged to have taken place.

Commence-
ment of Act.

9. This Act, except section 1, shall come into force on the day upon which it receives the Royal Assent, and section 1 shall come into force on the 1st day of May, 1948.

Short title.

10. This Act may be cited as *The Industrial Standards Amendment Act, 1948*.

CHAPTER 48.

An Act to amend The Insurance Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat.,
c. 256,
amended.

82a. Unless the contract otherwise provides, a violation of any criminal or other law in force in the province or elsewhere shall not, *ipso facto*, render unenforceable a claim for indemnity under a contract of insurance except where the violation is committed by the insured, or by another person with the consent of the insured, with intent to bring about loss or damage, provided that in the case of a contract of life insurance this section shall apply only to disability insurance undertaken as part of the contract. Violation
of law,—
effect of,
on claim for
indemnity.

2.—(1) Section 128 of *The Insurance Act*, as amended by section 5 of *The Insurance Amendment Act, 1946*, is further amended by adding thereto the following paragraphs: Rev. Stat.,
c. 256, s. 128,
amended.

6a. "Creditor's group life insurance" means life insurance effected by a creditor on the lives of his debtors whereby the lives of the debtors are insured severally under a single contract; "Creditor's
group life
insurance".

.

9a. "Group life insurance" means life insurance, other than creditor's group life insurance, whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person contracting with the insurer; "Group life
insurance".

.

Rev. Stat., c. 256, s. 128, par. 13, re-enacted. (2) Paragraph 13 of the said section 128 is repealed and the following substituted therefor:

"Insured". 13. "Insured" means the person who makes a contract with an insurer;

.

Rev. Stat., c. 256, s. 129, amended. 3. Section 129 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception as to applica-
tion of
section. (5) This section does not apply to a contract of group life insurance.

Rev. Stat., c. 256, amended. 4. *The Insurance Act* is amended by adding thereto the following section:

Law applicable in case of group life insurance. 129a. In the case of a contract of group life insurance, whether made before or after the coming into force of this section,—

(a) the law of the place where the contract was made shall apply between the insurer and the insured;

(b) the law of the place where the person whose life is insured was resident at the time his life became insured shall apply in determining the rights and status of beneficiaries and the rights and obligations of the person whose life is insured.

Rev. Stat., c. 256, s. 130, amended. 5. Section 130 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception as to applica-
tion of
section. (2) This section does not apply to a contract of group life insurance.

Rev. Stat., c. 256, s. 132, subs. 1, re-enacted. 6.—(1) Subsection 1 of section 132 of *The Insurance Act* is repealed and the following substituted therefor:

Contents of policy. (1) Every policy issued after the 1st day of January, 1925, other than a group life insurance policy, shall state the name or sufficient designation of the insured, of the person whose life is insured, and of the beneficiary, the insurance money payable, the manner of payment, the premium, and the facts that determine the maturity of the contract.

Contents of group life insurance policy. (1a) Every group life insurance policy shall state the name or sufficient designation of the insured, the method

of determining the amount of insurance on each life and the persons or classes of persons whose lives are insured, and the facts that determine the manner and time of payment of the insurance money and the amount of the premium.

(2) Subsection 4 of the said section 132 is repealed and the following substituted therefor: Rev. Stat., c. 256, s. 132, subs. 4, re-enacted.

(4) Every policy which includes disability insurance shall further state what notice of disablement shall be given to the insurer. Contents of policy.

(4a) In the case of a contract of group life insurance made after the date of the coming into force of this subsection, the insurer shall issue, for delivery by the insured to each person whose life is insured under the policy, a certificate identifying the policy and stating the name or sufficient designation of the person whose life is insured, of his beneficiary, of the insurer, and of the insured, and stating the amount or the method of determining the amount of insurance and indicating any right of the person whose life is insured upon termination of insurance on his life under the policy. Group life insurance certificates.

7. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 256, amended.

132a.—(1) Except as provided in subsection 2, in the case of group life insurance the employer or other person making the contract with the insurer is the insured for the purposes of this Part. "Insured",—meaning of.

(2) In the case of group life insurance the term "insured" shall, in the provisions of this Part relating to the designation or appointment of beneficiaries and the rights and status of beneficiaries, mean the person whose life is insured. Idem.

8. Section 133 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 256, s. 133, re-enacted.

133. Where the amount of insurance money, exclusive of dividends and bonus, does not exceed \$2,000, the policy, notwithstanding that it is expressed to be payable to a named or designated beneficiary, may provide that the insurance money may be paid to any relative by blood or connection by marriage of the person whose life is insured or any other person appearing to the insurer to be equitably entitled to Payment of policy not exceeding \$2,000.

the same by reason of having incurred expense for the maintenance, medical attendance or burial of the person whose life is insured or to have a claim against the estate of the person whose life is insured in relation thereto.

Rev. Stat.,
c. 256, s. 135,
subs. 2, re-
enacted.

9. Subsection 2 of section 135 of *The Insurance Act* is repealed and the following substituted therefor:

Incontestability of statements.

- (2) The statements made by the insured, or the person whose life is insured, in the application, on the medical examination (if any), or in any statements or answers furnished in lieu of a medical examination other than fraudulent statements or statements erroneous as to age, shall be deemed to be true and incontestable after the insurance on the person whose life is insured has been in force for two years during his lifetime, but this provision shall not apply with respect to disability insurance or double indemnity insurance.

Rev. Stat.,
c. 256, s. 138,
amended.

10. Section 138 of *The Insurance Act* is amended by adding thereto the following subsection:

Exception as to application of section.

- (6) This section does not apply to a contract of group life insurance.

Rev. Stat.,
c. 256,
amended.

11. *The Insurance Act* is amended by adding thereto the following section:

Age.

- 138a. If a contract of group life insurance provides that the age of a person whose life is insured affects the commencement or the termination of the insurance or the amount thereof or any other right or benefit under the contract, the true age shall govern.

Rev. Stat.,
c. 256, s. 139,
subs. 2, re-
enacted.

12. Subsection 2 of section 139 of *The Insurance Act* is repealed and the following substituted therefor:

Effect of default in payment of premium.

- (2) Subject to the provisions of section 140, where a cheque, bill of exchange or promissory note payable to the insurer, or other written promise to pay the insurer, is given, whether originally or by way of renewal, for the whole or part of any premium, and such cheque, bill of exchange, or promissory note, or other written promise to pay, is not paid according to its tenor, the contract shall, unless otherwise provided in the policy, be void.

Rev. Stat.,
c. 256, s. 141,
subs. 4, re-
enacted.

13. Subsection 4 of section 141 of *The Insurance Act* is repealed and the following substituted therefor:

- (4) This section does not apply to a contract of insurance made by a fraternal society or to a contract of group life insurance. Exception as to application of section.

14. *The Insurance Act* is amended by adding thereto the following heading and section: Rev. Stat., c. 256, amended.

Third Party Policies on Lives of Minors.

150a.—(1) Where a contract effected on the life of a minor by someone other than the minor, or an agreement in writing between the insurer and the insured respecting such a contract, provides that a person named in the contract or the agreement shall upon the death of the insured have all the rights and interests of the insured in the contract,— Third party policies on lives of minors.

(a) the contract shall not, upon the death of the insured, form part of his estate; and

(b) the person named pursuant to this section shall, upon the death of the insured, have all the rights and interests of the insured in the contract and shall be deemed to be the insured.

(2) Notwithstanding any nomination made pursuant to this section the insured may, prior to his death, deal with the contract as if such nomination had not been made, and may alter or revoke such nomination by agreement in writing with the insurer. Saving.

15. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 256, amended.

152a. Where a contract is assigned, otherwise than as security for a loan or debt, to the person whose life is insured, that person shall thereupon be deemed to be the insured. Appointment of beneficiary.

16. Section 153 of *The Insurance Act*, as amended by section 6 of *The Insurance Amendment Act, 1946*, is further amended by renumbering subsections 2a and 2b as subsections 2b and 2c respectively, and by adding thereto the following subsection: Rev. Stat., c. 256, s. 153, amended.

(2a) A person whose life is insured under a contract of group life insurance may in his own name enforce any right stated in the policy to be given to him, subject to any defence available to the insurer against him or the insured. Group life insurance.

Rev. Stat.,
c. 256, s. 164,
subs. 1, re-
enacted.

17. Subsection 1 of section 164 of *The Insurance Act* is repealed and the following substituted therefor:

Surplus
and profits.

- (1) Notwithstanding the designation of a preferred beneficiary, any person who effects a participating contract, other than a contract of group life insurance, may, during his lifetime, receive for his own benefit the surplus or profits declared on the contract or may direct the insurer to apply them in payment or reduction of premiums, or in the purchase of paid-up additions to the sum insured, or to hold them to his credit for accumulation, or to deal otherwise with such surplus or profits as the contract may provide, and upon the maturity of the contract, all surplus or profits so held to the credit of the insured, or being due and unpaid, shall, subject to the contract and to any direction by the insured to the contrary, be added to the insurance money and the share of any beneficiary shall be increased accordingly.

Idem.

- (1a) In the case of group life insurance, surplus, profits, dividends or bonuses shall be applied in accordance with the terms of the contract.

Rev. Stat.,
c. 256, s. 172,
subs. 2, re-
enacted.

18. Subsection 2 of section 172 of *The Insurance Act* is repealed and the following substituted therefor:

Place of
payment.

- (2) Except in the case of a contract of group life insurance, insurance money shall be payable in the province in which the insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death, or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head or principal office of the insurer in Canada.

Idem.

- (2a) In the case of a contract of group life insurance, insurance money shall be payable in the province in which the person whose life is insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death, or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head or principal office of the insurer in Canada.

Rev. Stat.,
c. 256,
s. 175a
(1940,
c. 11, s. 5),
re-enacted.

19. Section 175a of *The Insurance Act*, as enacted by section 5 of *The Insurance Amendment Act, 1940*, is repealed and the following substituted therefor:

Contract not
invalidated
by suicide.

175a. An agreement, express or implied, contained in a

contract of life insurance for the payment of insurance money in the event that the person whose life is insured commits suicide shall be lawful and enforceable.

20. Subsection 3 of section 179 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 179,
subs. 3, re-
enacted.

- (3) The insurer may retain out of the insurance money for costs incurred upon payment into court in accordance with subsection 2, \$10 if the amount does not exceed \$1,000, and \$15 in other cases, and payment of the remainder into court shall discharge the insurer.

Costs.

21. Section 181 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 181,
re-enacted.

181. The court may fix and ascertain without taxation the costs incurred upon or in connection with any application or order made under subsection 1 of section 179 or under section 180 and may order such costs to be paid out of the insurance money or by the insurer or the applicant or otherwise as may seem just.

Costs of
proceedings
under
ss. 179, 180.

22. Section 187*a* of *The Insurance Act*, as enacted by subsection 1 of section 5 of *The Insurance Amendment Act, 1942*, is repealed.

Rev. Stat.,
c. 256,
s. 187*a*
(1942,
c. 22, s. 5,
subs. 1),
repealed.

23.—(1) Paragraph 1 of statutory condition 2 in section 188 of *The Insurance Act* is amended by striking out the first two lines and clause *b* and inserting in lieu thereof the following:

Rev. Stat.,
c. 256, s. 188,
sta. con. 2,
par. 1,
amended.

- (1) The insured shall not drive or operate the automobile:

.

- (*b*) unless he is for the time being either authorized by law or qualified to drive or operate the automobile, or while he is under the age of sixteen years or under such other age as is prescribed by the law of the province where he resides at the time the policy is issued; or

.

(2) Clause *b* of paragraph 2 of statutory condition 2 in the said section 188 is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 188,
sta. con. 2,
par. 2, cl. *b*,
re-enacted.

- (*b*) by any person, unless such person is for the time being either authorized by law or qualified to drive or operate the automobile, or while such person is under the age of sixteen years or under such other age as is prescribed by law; or

.

Rev. Stat.,
c. 256, s. 188,
sta. con. 3,
cl. a, re-
enacted.

(3) Clause a of statutory condition 3 in the said section 188 is repealed and the following substituted therefor:

(a) with trailer attached where:

- (i) the automobile is of other than the private passenger type; or
- (ii) the automobile is of the private passenger type and the trailer is a cabin trailer, trailer home, or other trailer while such other trailer is being used for business, passenger-carrying or commercial purposes; or

.

Rev. Stat.,
c. 256, s. 213,
subs. 4, re-
enacted.

24. Subsection 4 of section 213 of *The Insurance Act* is repealed and the following substituted therefor:

Special
cases.

(4) If, in the opinion of the Superintendent, any condition or any part of a condition is not suitable having regard to the nature of the contract, the insurer may, with the approval of the Superintendent, omit the condition or part of a condition from the policy.

Rev. Stat.,
c. 256, s. 214
(1939,
c. 22, s. 3),
re-enacted.

25. Section 214 of *The Insurance Act*, as re-enacted by section 3 of *The Insurance Amendment Act, 1939*, is repealed and the following substituted therefor:

Statutory
conditions,—
notice as to.

214. Where a policy of accident insurance is issued through the agency of a transportation corporation that holds a license issued under section 281, the statutory conditions set out in section 212 need not be printed on the policy if the policy contains the following notice printed in conspicuous type: "Notwithstanding any other provision herein contained this policy is subject to the statutory conditions respecting contracts of accident insurance".

Commence-
ment of Act.

26. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

27. This Act may be cited as *The Insurance Amendment Act, 1948*.

CHAPTER 49.

An Act respecting Investment Contracts.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “investment contract” means a contract, agreement, certificate, instrument or writing containing an undertaking by an issuer to pay the holder thereof, or his assignee, or personal representative, or other person, a stated or determinable maturity value in cash or its equivalent on a fixed or determinable date and containing optional settlement, cash surrender or loan values prior to or after maturity, the consideration for which consists of payments made or to be made to the issuer in instalments or periodically, or of a single sum, according to a plan fixed by the contract, whether or not the holder is or may be entitled to share in the profits or earnings of, or to receive additional credits or sums from, the issuer, but shall not include a contract within the meaning of *The Insurance Act*;

Rev. Stat.,
c. 256.

- (b) “filed” means filed under this Act;

“filed”;

- (c) “issuer” means any corporation which offers for sale, sells, makes or enters into investment contracts of its own issue, but shall not include an insurer within the meaning of *The Insurance Act*, or a corporation within the meaning of *The Loan and Trust Corporations Act*;

Rev. Stat.,
cc. 256, 257.

- (d) “qualified assets” means,

“qualified
assets”;

- (i) cash,

- (ii) first mortgages on improved real estate and first mortgages made under *The Dominion*

1935, c. 58;
1938, c. 49;
1944-45, c. 46
(Canada).

Housing Act, 1935 (Canada), *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada),

Rev. Stat.,
c. 251.

- (iii) bonds, debentures, stocks and other securities of the classes authorized under *The Companies Act* for the investment of the funds of joint stock insurance companies incorporated under the law of Ontario or authorized under *The Canadian and British Insurance Companies Act, 1932* (Canada) for the investment of the funds of companies registered thereunder,

1932, c. 46
(Canada).

- (iv) real property acquired by foreclosure or in satisfaction of a debt and held for a period of less than seven years, and

- (v) such other investments or securities as may be designated by regulation under this Act;

"pre-
scribed";

- (e) "prescribed" means prescribed by the regulations;

"registered";

- (f) "registered" means registered under this Act;

"regula-
tions";

- (g) "regulations" mean regulations made under this Act;

"salesman";

- (h) "salesman" means a person employed, appointed or authorized by an issuer to sell investment contracts; and

"Superin-
tendent".
Rev. Stat.,
c. 256.

- (i) "Superintendent" means Superintendent of Insurance under *The Insurance Act*.

Filing
form of
contract.

2.—(1) No person shall issue for sale or offer for sale or sell an investment contract unless a copy of the form thereof has been filed with the Superintendent.

Forms not
to be filed.

(2) The Superintendent shall accept for filing a copy of the form of any investment contract tendered for filing unless the sale of investment contracts in such form would be inequitable or tend to work a fraud upon purchasers thereof or be against the public interest.

Who may
issue
contract.

3.—(1) No person shall issue for sale an investment contract unless such person is registered as an issuer.

Who may
sell con-
tract.

(2) No person shall offer for sale or sell an investment contract unless such person is,—

- (a) registered as an issuer; or

- (b) recorded by the Superintendent as an executive officer of a registered issuer; or
- (c) registered as a salesman.

4. No corporation shall be registered under this Act as an issuer unless,— What corporations may be registered.

- (a) there has been filed with the Superintendent,
 - (i) a certified copy of the Act, letters patent or other instrument of incorporation of such corporation,
 - (ii) a certified list of the names and addresses of the executive officers of such corporation,
 - (iii) a certified copy of the balance sheet of such corporation as at the close of its last completed fiscal year and its auditor's report thereon, and
 - (iv) copies of all forms of investment contracts proposed to be issued by such corporation for sale in Ontario;
- (b) at least \$100,000 of its authorized capital stock has been subscribed and paid in, in cash;
- (c) arrangements satisfactory to the Superintendent have been made for the deposit with a trust company, chartered bank or other suitable depositary or depositaries within Canada of qualified assets aggregating in amount, when valued as provided in section 17, not less at any time than the amount for which such corporation, under the terms of its investment contracts, is liable as of such time to pay in cash to the holders of all its investment contracts then outstanding, or aggregating such lesser amount as the Superintendent may deem appropriate in the circumstances; provided that, in the case of a corporation which maintains with a trust company, chartered bank or other suitable depositary or depositaries outside Ontario but within Canada a deposit or deposits of qualified assets in such an aggregate amount or other deposit satisfactory to the Superintendent, no further deposit shall be required.

5.—(1) No person shall be registered as a salesman unless Registration requirements. there has been filed with the Superintendent a written notice to the Superintendent from a registered issuer that such person

has been employed, appointed or authorized to sell investment contracts issued by such issuer.

Suspension
of regis-
tration.

(2) Termination of the employment, appointment or authorization of a person employed, appointed or authorized to sell investment contracts issued by an issuer which has filed with the Superintendent a written notice pursuant to subsection 1 shall operate as a suspension of the registration of such person as a salesman.

Application
for regis-
tration.

6. Every application for registration shall be made to the Superintendent in writing upon the prescribed form and shall be accompanied by the prescribed fee.

Address
for
service.

7. Every applicant for registration shall state in the application an address for service in Ontario and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated.

Renewal of
registration.

8. Every registration and renewal of registration shall lapse on the 31st day of March but any registered issuer or salesman desiring renewal of registration shall on or before the 21st day of March make application for renewal of registration upon the prescribed form with the prescribed fee.

Granting of
registration
or renewal
to,—

9. The Superintendent shall grant registration or renewal of registration,—

issuer;

(a) to an issuer applying therefor where the applicant is suitable for registration and the sale of investment contracts issued by such issuer would not be inequitable or tend to work a fraud upon purchasers thereof or be against the public interest; and

salesman.

(b) to a salesman applying therefor where the applicant is suitable for registration and the proposed registration is not objectionable.

Suspension
or cancel-
lation of
registration.

10.—(1) The Superintendent may suspend or cancel any registration upon any grounds which would justify refusal to grant registration or renewal of registration.

Idem.

(2) The Superintendent may suspend or cancel the registration of an issuer where it appears to him from the statements and reports filed with him or from an inspection or valuation that the assets of the issuer are insufficient to provide for the payment of its investment contracts at maturity.

Further
application
for regis-
tration.

11. Notwithstanding any order of the Superintendent, a further application may be made upon new or other material or where it is clear that material circumstances have changed.

12.—(1) An applicant for registration or renewal of registration or any person who deems himself aggrieved by a decision of the Superintendent, may appeal therefrom to the Court of Appeal.

(2) The appeal shall be set down for argument at the first sitting of the Court of Appeal which commences after the expiration of thirty days from the decision complained of.

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court, in an action.

(4) The Superintendent shall certify to the registrar of the Court of Appeal the decision appealed from, his reasons therefor, and the documents, inspection reports and evidence, if any, and such other information as he had before him in making the said decision.

13.—(1) Not later than thirty days after the expiration of each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor, showing,—

(a) the total liability of the issuer on the last day of the quarterly period last ended on all outstanding investment contracts;

(b) all qualified assets on deposit on the last day of the quarterly period last ended with the trust company, chartered bank or other depositary or depositaries within Canada approved by the Superintendent and the value, when valued as provided in section 17, of such qualified assets as at such date; and

(c) such other information as the Superintendent may require.

(2) Not later than ninety days after the expiration of its fiscal year, every registered issuer shall file with the Superintendent a balance sheet and profit and loss statement for such completed fiscal year, certified by two of its directors and reported on by its auditor, and such other financial statements as the Superintendent may require.

(3) The auditor of an issuer registered under this Act shall be a person or firm acceptable to the Superintendent.

14.—(1) The Superintendent may at any time make or

cause to be made an inspection of the books, documents and records of any issuer and of any salesman.

Access on
inspection.

(2) Upon any such inspection, the Superintendent or his duly authorized representative shall be entitled to free access to all books of account, cash, securities, documents, bank accounts, vouchers, correspondence and records of every description of the issuer or salesman and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Superintendent for the purposes of the inspection.

Advertising
and forms.

15. The Superintendent may at any time require any issuer or salesman to submit for review any circulars, pamphlets, brochures, specimen contracts, application forms or other documents used by such issuer or salesman in connection with the sale of investment contracts.

Notice of
changes by
issuer;

16.—(1) Every registered issuer shall notify the Superintendent in writing of,—

- (a) any change in its address for service;
- (b) any change in its executive officers; and
- (c) the commencement and termination of the employment, appointment or authorization of each of its salesmen.

by salesman.

(2) Every salesman registered under this Act shall notify the Superintendent in writing of,—

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment, appointment or authorization by a registered issuer.

Valuation
of assets.

17. In any statement or balance sheet to be filed with the Superintendent under this Act, an issuer may value qualified assets as follows:

- (a) cash—in the amount thereof in lawful money of Canada;
- (b) first mortgages—in the amount of the balance of the principal sum secured thereby together with all unpaid interest accrued thereon;
- (c) securities having a fixed term and rate not in default as to principal or interest—

- (i) if purchased at par, at the par value,
- (ii) if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made,

provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and

- (d) other securities—at the market value at the date of the statement,

or otherwise as the Superintendent may appoint; provided that, where any qualified assets consist of securities whose market values are unduly depressed and in respect of which companies registered under *The Canadian and British Insurance Companies Act, 1932* (Canada) have been authorized to use values in excess of said market values, such qualified assets may, with the approval of the Superintendent, be valued as authorized under that Act. ^{1932, c. 46 (Canada).}

18. The Superintendent may extend the time for the filing ^{Extension of time} of any statement, balance sheet or other document, or the ^{prescribed.} making of any application for renewal of registration under this Act.

19. Nothing in this Act shall prevent the sale of an invest- ^{Exempted sales.} ment contract by or on behalf of the holder thereof where such sale is not made in the course of continued and successive transactions of like character or by a person whose usual business is the issuance or sale of investment contracts.

20.—(1) Any person who violates the provisions of sub- ^{Penalties.} section 1 of section 2 or subsection 1 of section 3 or subsection 2 of section 3 in respect of clause *a* or *b* thereof shall be guilty of an offence and liable to a penalty of not more than \$5,000.

(2) Any person who violates the provisions of subsection 2 ^{Idem.} of section 3 in respect of clause *c* shall be guilty of an offence and liable to a penalty of not more than \$1,000.

(3) Any person who violates any other provision of this ^{Idem.} Act shall be guilty of an offence and liable to a penalty of not more than \$500.

21. No proceedings to recover the penalties provided in ^{Recovery of penalties.} section 20 shall be instituted except,—

(a) with the written consent of the Attorney General;
and

(b) within two years after the offence is committed.

Idem.

Rev. Stat.,
c. 136.

22. The penalties provided by section 20 shall be recoverable under *The Summary Convictions Act*.

Regulations.

23. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the fees payable upon applications for registration and renewal of registration;

(b) prescribing the forms for use under this Act;

(c) designating investments or securities as qualified assets within the meaning of this Act; and

(d) generally for the better carrying out of the provisions of this Act and the more efficient administration thereof.

1947, c. 98
not to apply.

24. Notwithstanding anything in *The Securities Act, 1947*, contained,—

(a) an investment contract shall be deemed not to be a security; and

(b) an issuer shall be deemed not to be an investment company,

within the meaning of the said Act.

Commence-
ment of Act

25. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

26. This Act may be cited as *The Investment Contracts Act, 1948*.

CHAPTER 50.

An Act to amend The Judicature Act:

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 46 of *The Judicature Act* is amended by striking out the words "on the first day earlier than one o'clock in the afternoon or on any other" in the first and second lines and inserting in lieu thereof the words "on any", so that the said subsection shall now read as follows:

- (1) No such sittings shall begin on any day before nine o'clock in the forenoon, nor, except for special reasons, shall it extend beyond seven o'clock in the afternoon, and there shall be an intermission of at least half an hour at or near noon.

2. Sections 89, 90 and 91 of *The Judicature Act* are repealed and the following substituted therefor:

LOCAL MASTERS.

89. Unless his appointment otherwise provides, no person who is appointed a local master shall engage in the practice of law or act as a notary public or conveyancer.

90. Where in any county the office of local master is vacant or the local master is absent or ill, any judge of any county court in the county court district may act *pro tempore* as the local master.

3. Subsections 3, 10, 11 and 15 of section 100 of *The Judicature Act* are repealed and the following substituted therefor:

- (3) The same costs as are payable to counsel and solicitors shall be payable to the Official Guardian, but all costs paid to him shall be entered in the books of account of the Official Guardian or may be paid into

Court to the credit of an account to be entitled
"Account of the Official Guardian".

Agents.

- (10) The Official Guardian may retain solicitors out of Toronto as agents for the purpose of any proceeding being carried on out of Toronto, and a solicitor so retained shall be entitled to the same costs for the work actually done by him as the Official Guardian would have been entitled to if the work had been done by him, and such costs shall be paid to the Official Guardian and the agent's fees and disbursements shall be paid by the Official Guardian and shall be deemed a disbursement of the Official Guardian.

Audit.

- (11) The auditor of the Official Guardian appointed by the Lieutenant-Governor in Council, shall once in every six months transmit to the Provincial Secretary a statement certified by him to be a true statement of the accounts and records of the Official Guardian.

Short title.

4. This Act may be cited as *The Judicature Amendment Act, 1948*.

CHAPTER 51.

The Labour Relations Act, 1948.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—Interpre-
tation,—

(a) "Board" means Ontario Labour Relations Board; "Board";

(b) "Minister" means Minister of Labour; and "Minister";

(c) "regulations" mean regulations made under this Act. "regulations".
1944, c. 29, s. 1, cls. (a-c), *amended*.

2.—(1) There shall be a board to be known as the Ontario Labour Relations Board which shall consist of a chairman and not more than four other members. Ontario Labour Relations Board.

(2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act or the regulations. 1944, c. 29, s. 4, *amended*. Powers and duties of Board.

3.—(1) The chairman and the other members of the Board shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. 1944, c. 29, s. 5 (1), *amended*. Tenure of office.

(2) The Lieutenant-Governor in Council may appoint an alternate chairman who shall act as the chairman thereof only,— Alternate chairman.

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act. 1946, c. 44, s. 3 (1), *amended*.

(3) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Executive Council Oath of office.

and shall file in the office of such Clerk, an oath of office in the following form:

"I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or* chairman *or* alternate chairman) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."

1944, c. 29, s. 5 (8); 1946, c. 44, s. 3 (2).

Office.

(4) The office of the Board shall be in Toronto, but the Board may sit at such other places as it deems expedient.

Quorum.

(5) A majority of the members of the Board shall constitute a quorum.

Decision.

(6) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote. 1944, c. 29, s. 5 (2-4).

Powers re
witnesses.

(7) The Board and each member thereof shall have the power of summoning any person and requiring him to give evidence on oath before the Board and to produce such documents and things as may be deemed requisite for the full investigation of any matter coming before the Board and shall have the like power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases. 1944, c. 29, s. 5 (5), *amended*.

Evidence.

(8) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not. 1944, c. 29, s. 5 (6).

Procedure.

(9) Subject to the approval of the Lieutenant-Governor in Council, the Board may make rules governing its procedure which are not inconsistent with the regulations and may by such rules provide for the taking of votes on the premises of employers during working hours. 1944, c. 29, s. 5 (7), *amended*.

Powers of
Board.

4. If in any proceeding before the Board a question arises as to whether,—

(a) a person is an employer or employee;

(b) an organization or association is an employers' organization or a trade union;

(c) in any case a collective agreement has been entered

into and the terms thereof and the persons who are parties to or are bound by the collective agreement or on whose behalf the collective agreement was entered into;

- (d) a collective agreement is by its terms in full force and effect;
- (e) any party to collective bargaining has failed to meet and commence to bargain collectively with the other party and made every reasonable effort to conclude a collective agreement or a renewal or revision of an agreement or a new collective agreement, as the case may be;
- (f) a group of employees is a unit appropriate for collective bargaining;
- (g) an employee belongs to a craft or group exercising technical skills; or
- (h) a person is a member in good standing of a trade union,

the Board shall decide the question and, subject to such right of appeal as may be provided by the regulations, its decision shall be final and conclusive. *New.*

5. Subject to such right of appeal as may be provided by the regulations, the orders, decisions and rulings of the Board shall be final and shall not be questioned or reviewed nor shall any proceeding before the Board be removed, nor shall the Board be restrained, by injunction, prohibition, mandamus, quo warranto, certiorari or otherwise by any court, but the Board may, if it considers it advisable to do so, reconsider any decision or order made by it and may vary or revoke any such decision or order. 1944, c. 29, s. 11, *amended*. Orders, etc.
of Board
final.

6. The Lieutenant-Governor in Council may appoint a Registrar and such other officials and employees as may be required for the purposes of the Board. 1944, c. 29, s. 6 (1), *amended*. Officials and
employees.

7.—(1) Subject to section 9, the Lieutenant-Governor in Council may make regulations that shall be applicable to all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations, and to the employers thereof, provided that such regulations shall be in the same form and to the same effect as that part of any Act that may be passed by the Parliament of Canada at the Regulations.

session currently in progress, which is designated by the Lieutenant-Governor in Council as being in his opinion legislation calculated to cover the same legislative field as Part I of a bill entitled *An Act to provide for the Investigation, Conciliation and Settlement of Industrial Disputes* introduced in the House of Commons of Canada by the Minister of Labour for Canada on the 17th day of June, 1947, and thereupon designated as Bill number 338, with only such variations as may, in the opinion of the Lieutenant-Governor in Council, be necessary,—

(a) to vest jurisdiction for the administration thereof in the appropriate authorities of the Province of Ontario;

(b) pursuant to any agreement made under section 8,

(i) to authorize the appropriate Dominion authorities to exercise such powers and discharge such duties as may be conferred or imposed by the regulations with respect to such classes of employees as may be therein designated, and the employers thereof,

(ii) to authorize the appropriate authorities of the Province of Ontario to exercise such powers and discharge such duties as may be conferred or imposed by or under the legislation of the Parliament of Canada above referred to with respect to such classes of employees as may be therein designated and the employers thereof, and

(iii) to provide for appeals from the decisions of the Board to any board which may be created by the legislation of the Parliament of Canada above referred to; and

(c) to provide for the utilization by the appropriate authorities of the Province of Ontario of any class of employees of the Government of Canada engaged in the administration of the legislation of the Parliament of Canada above referred to, and for the utilization by the appropriate Dominion authorities of any class of employees of the Government of Ontario engaged in the administration of this Act.

Idem.

(2) In addition to the regulations made under subsection 1, the Lieutenant-Governor in Council may make regulations,—

(a) prescribing the time within which anything authorized by or under this Act shall be done;

- (b) excluding an employer or employee or any class of employers or employees from the regulations or any of the provisions thereof; and
- (c) generally for carrying any of the purposes or provisions of this Act into effect. *New.*

8. Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into such agreement with the Minister of Labour for Canada as he may deem necessary for the purposes of this Act. 1944, c. 29, s. 3, *amended.* Agreement with Canada.

9. This Act and the regulations shall not apply to,—

Where Act not to apply.

- (a) the industry of farming;
- (b) domestic servants employed in private homes;
- (c) members of a police force within the meaning of *The Police Act, 1946*;
- (k) members of a fire department within the meaning of *The Fire Departments Act, 1947*;
- (e) any municipal corporation, board of public school trustees, board of separate school trustees, high school board, board of education or any board or commission created or established by a municipal corporation pursuant to statutory authority unless such municipal corporation, board or commission has by by-law, if it has power to pass by-laws, or by resolution or minute, declared this Act applicable thereto and to its employees or any section thereof and any such by-law, resolution or minute may be revoked by a subsequent by-law, resolution or minute, as the case may be. 1944, c. 29, s. 10, *amended.*

10. The salaries and expenses of the chairman, alternate chairman and members of the Board and of the Registrar, officials and employees of the Board and all other expenses incurred in the administration of this Act shall be paid out of such moneys as may be appropriated therefor by this Legislature. 1944, c. 29, s. 6 (2), *amended.* Expenses of administration.

11.—(1) *The Labour Relations Board Act, 1944, The Labour Relations Board Amendment Act, 1946, and The Labour Relations Board Act, 1947, are repealed, but for the purposes of this Act where collective bargaining representatives are certified under The Labour Relations Board Act, 1944, either before or after the coming into force of this Act, the trade union or employees' organization which petitioned for the* 1944, c. 29;
1946, c. 44;
1947, c. 54,
repealed.

Outstanding
certifica-
tions.

certification of such bargaining representatives shall be deemed to have been certified as the bargaining agency for the unit or group of employees specified in the certificate issued by the Board as of the date of such certification, and such certification shall be deemed to have the same effect as if this Act had been in force prior thereto.

1944, c. 29;
1946, c. 44;
1947, c. 54,
continued
in force for
pending
proceedings.

(2) Notwithstanding subsection 1, *The Labour Relations Board Act, 1944*, *The Labour Relations Board Amendment Act, 1946*, and *The Labour Relations Board Act, 1947*, shall continue in full force and effect so far as may be necessary for the purpose of continuing any proceedings pending thereunder on the day when this Act is proclaimed in force.

Rev. Stat.,
c. 203,
repealed.

12. *The Industrial Disputes Investigation Act* is repealed.

Commence-
ment of Act.

13. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

14. This Act may be cited as *The Labour Relations Act, 1948*.

CHAPTER 52.

The Lightning Rods Act, 1948.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act,—

Interpre-
tation,—

- (a) "Fire Marshal" means the Fire Marshal of Ontario; ^{"Fire Marshal";}
- (b) "inspector" means an inspector appointed under this "inspector";
Act;
- (c) "lightning rods" means the points, cables, groundings and other apparatus installed or to be installed to ^{"lightning rods";}
protect buildings and structures from damage by lightning;
- (d) "regulations" mean regulations made under this ^{"regulations";}
Act; and
- (e) "Treasurer" means Treasurer of Ontario. R.S.O. "Treasurer".
1937, c. 331, s. 1, *amended*.

2. No person shall offer for sale, sell or install lightning rods unless licensed to do so by the Fire Marshal under this Act. R.S.O. 1937, c. 331, s. 2, *amended*. ^{Sellers, etc., of lightning rods to be licensed.}

3.—(1) Upon receipt of,—

Power to
license.

- (a) an application on the prescribed form for a licence to offer for sale, sell and install lightning rods containing a sworn statement of the amount received from the sale of lightning rods in Ontario during the previous licence year and a statement of the specifications of the lightning rods to be offered for sale, sold and installed during the licence year;
- (b) a licence fee computed at four-fifths of one per centum of the amount received from the sale of

lightning rods in Ontario during the preceding licence year, and in addition the sum of \$50, payable to the Treasurer; and

- (c) samples of the lightning rods to be offered for sale, sold and installed during the licence year, or such parts thereof as may be required by the Fire Marshal,

the Fire Marshal, if he is satisfied that the applicant is entitled to public confidence, may issue to the applicant a licence to offer for sale, sell and install lightning rods, and such licence shall remain in force until the 31st day of December next after the date of issuance unless it is sooner suspended or revoked. R.S.O. 1937, c. 331, s. 5 (1), *amended*.

What may
be sold, etc.

- (2) No licensee under this section shall offer for sale, sell or install lightning rods other than those in respect of which the licence was issued. *New*.

Agents.

4.—(1) Upon receipt of,—

- (a) an application on the prescribed form from a licensee under section 3 for a licence for the person named therein, who shall be a resident of Ontario, to act as an agent of such licensee containing a statement in writing from the person named therein giving the address of his place of residence and place of business, his experience in connection with lightning rods, and his financial standing with any licensee under section 3 for whom he has acted as agent; and

- (b) a licence fee of \$3 payable to the Treasurer,

the Fire Marshal, if he is satisfied that the person named is entitled to public confidence, may issue a licence to him to act as agent for the licensee, and such licence shall remain in force until the 31st day of December next after the date of issuance unless it is sooner suspended or revoked. R.S.O. 1937, c. 331, s. 6 (1), *amended*.

What may
be sold, etc.
by agents.

- (2) No licensed agent shall offer for sale, sell or install lightning rods other than those in respect of which his principal is licensed. R.S.O. 1937, c. 331, s. 6 (2), *amended*.

Power to
suspend
and revoke
licences.

5. The Fire Marshal may, after a hearing, suspend or revoke a licence for non-compliance with this Act or the regulations. R.S.O. 1937, c. 331, s. 5 (2), *amended*.

Duty to
exhibit
licence.

6. Every person offering for sale, selling or installing lightning rods shall exhibit his licence,—

- (a) to every person to whom he offers to sell or sells, or for whom he installs lightning rods; and
- (b) upon demand to any mayor, reeve, fire chief, district deputy fire marshal, assistant to the Fire Marshal, fire prevention officer or police officer. R.S.O. 1937, c. 331, s. 7, *part, amended*.

7.—(1) Every person who installs lightning rods on any building or structure shall, upon completion of the work, make a certificate of installation in triplicate on the prescribed form showing,—

Certificate of installation.

- (a) his name, address and licence number and where he is an agent, the name, address and licence number of his principal;
- (b) the name and address of the owner of the building or structure;
- (c) the location of the building or structure;
- (d) a diagram of the building or structure marking the location of each grounding;
- (e) the nature and condition of the soil at each grounding;
- (f) the method of each grounding, and

certifying that the facts shown are true and that the installation has been made in accordance with this Act and the regulations, and after signing he shall present the certificate for the signature of the owner or his agent to confirm that the nature and condition of the soil and the method of each grounding are as described.

(2) Every person who makes a certificate of installation shall give a copy thereof to the owner or his agent and forward a copy to the Fire Marshal. R.S.O. 1937, c. 331, s. 7, *part, amended*.

Disposal of copies.

8. Every person who fails to comply with this Act and the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$200 or to imprisonment for a term of not more than six months for each offence, or to both fine and imprisonment. R.S.O. 1937, c. 331, s. 8, *amended*.

Penalties for failure to comply with Act.

9.—(1) Where upon inspection an installation of lightning rods is found not to conform with this Act and the regulations, the licensee under section 3 who made the installation shall

Non-conforming installations.

within sixty days from the receipt of the inspector's report or such further period as may be allowed by the Fire Marshal, make such alterations or additions thereto as the inspector considers necessary to make the installation conform with this Act and the regulations, but this subsection shall not apply where the installation is found not to so conform by reason of alterations or additions made thereto or to the building or structure other than by the licensee. R.S.O. 1937, c. 331, s. 9 (2), *part, amended*.

Conforming installations.

(2) Where upon inspection an installation of lightning rods is found to conform with this Act and the regulations, the inspector may attach a seal indicating that the installation is at the time of the inspection in conformity with this Act and the regulations. *New*.

Right to recover for loss.

10.—(1) Where lightning rods that were installed on a building or structure by a licensed person have been installed for less than ten years and the owner thereof has suffered loss by reason of damage by lightning to the lightning rods, building or structure, and where no alterations or additions or repairs that affect the proper operation of the lightning rods have been made to the lightning rods or to the building or structure by persons other than the licensee, the owner may bring an action against the licensee for recovery of the amount of loss, not exceeding the total cost of the installation.

Notice of claim; commencement of action.

(2) Notice of any such claim shall be given to the licensee within a period of thirty days after the loss was suffered, and the action shall be commenced not less than sixty days and not more than one year after the loss was suffered. R.S.O. 1937, c. 331, s. 10, *amended*.

Application of licence fees.

11. Licence fees paid to the Treasurer under this Act shall be added to the special fund for the maintenance of the office of the Fire Marshal. R.S.O. 1937, c. 331, s. 11, *amended*.

Inspectors.

12. The Lieutenant-Governor in Council may appoint one or more inspectors to enforce this Act and the regulations. *New*.

Application of Act.

13. This Act shall not apply to the installation of lightning rods on any building or structure by the owner or occupant of the building or structure where he himself does the work, or the work is done by his employee or employees under his direction. R.S.O. 1937, c. 331, s. 13, *amended*.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

(a) prescribing minimum standards for lightning rods;

- (b) governing the manner of installing lightning rods;
- (c) designating buildings or structures or classes of buildings or structures to which this Act shall not apply; and
- (d) prescribing the form of,
 - (i) the application for a licence to offer for sale, sell and install lightning rods,
 - (ii) the licence to offer for sale, sell and install lightning rods,
 - (iii) the application for a licence to act as an agent to offer for sale, sell and install lightning rods,
 - (iv) the licence to act as agent to offer for sale, sell and install lightning rods,
 - (v) the certificate of installation of lightning rods,
 - (vi) the report of the inspector mentioned in subsection 1 of section 9, and
 - (vii) the seal mentioned in subsection 2 of section 9. R.S.O. 1937, c. 331, s. 12, *amended*.

15. *The Lightning Rod Act* and section 22 of *The Statute Law Amendment Act, 1943*, are repealed.

Rev. Stat.,
c. 331;
1943, c. 28,
s. 22, re-
pealed.

16. This Act may be cited as *The Lightning Rods Act, 1948*.

Short title.

CHAPTER 53.

An Act to facilitate the Enforcement of Maintenance Orders.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “certified copy” in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy; ^{“certified copy”;}
- (b) “court” means any authority having statutory jurisdiction to make maintenance orders; ^{“court”;}
- (c) “dependants” means such persons as a person, against whom a maintenance order is made, is liable to maintain according to the law in force in the place where such maintenance order is made; and ^{“dependants”;}
- (d) “maintenance order” means an order, other than an order of affiliation, for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made. ^{“maintenance order”.}

2.—(1) Where a maintenance order has, whether before or after this Act comes into force, been made against any person by a court in a reciprocating state and a certified copy of the order has been transmitted by the proper officer of the reciprocating state to the Attorney General, the Attorney General shall send a certified copy of the order to the proper officer of a court in Ontario for registration, and on receipt thereof the order shall be registered and shall from the date of such registration be of the same force and effect, and, subject to the provisions of this Act, all proceedings may be taken on such order as if it had been an order originally obtained in the court in which it is so registered, and that court shall have power to enforce the order accordingly. ^{Enforcement in Ontario of maintenance orders made elsewhere.}

Court in
which orders
are to be
registered.

(2) The court in which an order is to be registered shall, if the court by which the order was made was a court of superior jurisdiction, be the Supreme Court and, if the court was not a court of superior jurisdiction, be such court as is determined by the Attorney General.

Transmission
of main-
tenance
orders made
in Ontario.

3. Where a court in Ontario has, whether before or after this Act comes into force, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in a reciprocating state, the court shall, on the request of the person in whose favour the order was made, send a certified copy of the order to the Attorney General for transmission to the proper officer of that reciprocating state, and the Attorney General shall transmit the certified copy accordingly.

Provisional
maintenance
orders
against per-
sons resident
outside
Ontario.

4.—(1) Where an application is made to a court in Ontario for a maintenance order against any person, and it is proved that that person is resident in a reciprocating state, the court may, in the absence of that person and without service of notice on him, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent court in such reciprocating state.

Depositions
and
transcripts.

(2) If the evidence of any witness who is examined on any such application is not taken in shorthand, the evidence shall be put into the form of a deposition, and such deposition shall be read over and signed by the witness and also by the judge or other person presiding at the hearing.

Transmission
of order to
Attorney
General.

(3) Where an order is made pursuant to subsection 1, the court shall send to the Attorney General a certified copy of the order for transmission to the proper officer of the reciprocating state.

Statements
to be pre-
pared by
court.

(4) The court shall also prepare,—

- (a) a statement showing the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing; and
- (b) a statement showing such information as the Court possesses for facilitating the identification of the person against whom the order is made and ascertaining his whereabouts.

(5) With the certified copy of the order the court shall also send to the Attorney General for transmission to the proper officer of the reciprocating state,—
Transmission of other documents to Attorney General.

(a) the depositions or a certified copy of the transcript of the evidence;

(b) the statement referred to in clause *a* of subsection 4; and

(c) the statement referred to in clause *b* of subsection 4.

(6) The Attorney General shall transmit the documents sent to him by the court to the proper officer of the reciprocal state.
Transmission by Attorney General.

(7) Where any such provisional order has come before a court in a reciprocating state for confirmation and the order has by that court been remitted to the court in Ontario that made the order for the purpose of taking further evidence, the last-mentioned court shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.
Power to take new evidence on remoy.

(8) If upon the hearing of such evidence it appears to the court in Ontario that the order ought not to have been made, the court may rescind the order, but in any other case the depositions or a certified copy of the transcript of the evidence if it was taken in shorthand shall be sent to the Attorney General and dealt with in like manner as the depositions or transcript of the original evidence.
Further powers on remoy.

(9) The confirmation of an order made under this section shall not affect any power of the court by which the order was originally made to vary or rescind the order; provided that on the making of a varying or rescinding order the court shall send a certified copy thereof, together with the depositions or a certified copy of the transcript of any new evidence adduced before the court, to the Attorney General for transmission to the proper officer of the reciprocating state in which the original order was confirmed, and that in the case of an order varying an original order the order shall not have any effect unless and until confirmed in like manner as the original order.
Power of original court to vary or rescind order.

(10) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.
Right of appeal.

Confirma-
tion of
maintenance
orders made
out of
Ontario.

5.—(1) Where a maintenance order has been made by a court in a reciprocating state and the order is provisional only and has no effect unless and until confirmed by a court in Ontario, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed is received by the Attorney General and it appears to him that the person against whom the order was made is resident in Ontario, the Attorney General may send the said documents to the proper officer of the Supreme Court if the court by which the order was made was a court of superior jurisdiction or such court as is determined by the Attorney General, if the court by which the order was made was not a court of superior jurisdiction, and upon receipt of such documents the court shall issue a summons calling upon the person against whom the order was made to show cause why the order should not be confirmed, and cause it to be served upon such person.

Right of
defence on
application
for con-
firmation.

(2) At the hearing it shall be open to the person on whom the summons was served to raise any defence that he might have raised in the original proceedings had he been a party thereto but no other defence; and the statement from the court that made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

Power to
confirm with
or without
modification.

(3) If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court after hearing the evidence may seem just.

Power to
remit to
court that
made
provisional
order.

(4) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court that made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

Variation or
rescission of
order that
has been
confirmed.

(5) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the court is satisfied that it is necessary to remit the case to the court that made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal; if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

Right of
appeal.

6.—(1) A court in which an order has been registered under this Act or by which an order has been confirmed under this Act, and the officers of such court, shall take all proper steps for enforcing the order.

Enforcement
of orders.

(2) Every such order shall be enforceable in like manner as if the order were a judgment of the court in which the order is so registered or by which it is so confirmed.

Mode of
enforcement.

7. The Lieutenant-Governor in Council may make rules prescribing the practice and procedure under this Act.

Rules of
practice.

8. Any document purporting to be signed by a judge or officer of a court in a reciprocating state shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

Proof of
documents
signed by
officer of
court.

9. Depositions or transcripts from shorthand of evidence taken in a reciprocating state, for the purposes of this Act, may be received in evidence in proceedings before courts in Ontario under this Act.

Depositions
to be
evidence.

10. Where the Lieutenant-Governor in Council is satisfied that reciprocal provisions have been made by any province in Canada, any part of the British Commonwealth of Nations or Empire, or any foreign state for the enforcement therein of maintenance orders made within Ontario, the Lieutenant-Governor in Council may declare it to be a reciprocating state for the purposes of this Act, and thereupon it shall become a reciprocating state within the meaning of this Act.

Extent of
Act.

11. This Act may be cited as *The Maintenance Orders (Facilities for Enforcement) Act, 1948.*

Short title.

CHAPTER 54.

An Act to amend The Mental Hospitals Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 103 of *The Mental Hospitals Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 392, s. 103,
re-enacted.

103. The Lieutenant-Governor in Council may authorize an agreement with His Majesty the King in right of Canada represented by the Minister of Veterans Affairs or the minister of such other department of the Government of Canada as may from time to time be charged with the care and treatment of insane, epileptic, mentally ill or mentally defective former members of His Majesty's naval, military or air forces or other persons who are eligible for treatment under *The Department of Veterans Affairs Act* (Canada) whereunder the said department shall, subject to regulations not inconsistent with this Act appended to and forming part of the said agreement, establish, operate, maintain, control and direct, in Ontario, institutions within the meaning of this Act, for the care, treatment and detention of such former members of the forces and others eligible for treatment under *The Department of Veterans Affairs Act* (Canada) and who are insane, or epileptic, or who are mentally ill or mentally defective, within the meaning of this Act and to authorize such alterations in or amendments to such agreement as may from time to time appear necessary or desirable. Agreement
authorized.
1944-45,
c. 19 (Can.).

2. This Act may be cited as *The Mental Hospitals Amendment Act, 1948*. Short title.

CHAPTER 55.

The Milk Control Act, 1948.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "agreement" means an agreement made by collective bargaining representatives under this Act; "agreement";
- (b) "award" means an award made by a board of arbitration under this Act; "award";
- (c) "Board" means The Milk Control Board of Ontario; "Board";
- (d) "distributor" means a person engaged in the business of distributing milk either directly or indirectly to consumers; "distributor";
- (e) "field-men" means field-men appointed by the Lieutenant-Governor in Council under this Act; "field-men";
- (f) "inspector" means an inspector appointed by a marketing agency; "inspector";
- (g) "licence" means a licence provided for in the regulations; "licence";
- (h) "market" means the market named in an agreement or award or the market supplied with milk by the producers represented by a marketing agency or by an association; "market";
- (i) "marketing" includes advertising, buying, selling, offering for sale, transporting, shipping and distributing milk; "marketing";
- (j) "marketing agency" means a marketing agency established under this Act; "marketing agency";

- "milk"; (k) "milk" includes cream and such products of milk or cream as are manufactured or processed in any form, other than butter and cheese;
- "Minister"; (l) "Minister" means the Minister of Agriculture;
- "processor"; (m) "processor" means a person engaged in the business of processing milk or manufacturing milk products, other than butter and cheese;
- "regulations"; (n) "regulations" mean regulations made under this Act; and
- "transporter". (o) "transporter" means a person engaged in the business of transporting milk from a producer to a processor or distributor. R.S.O. 1937, c. 76, s. 1, *amended*.

Milk Control Board of Ontario continued.

2.—(1) The body corporate heretofore established and known as "The Milk Control Board of Ontario" is continued. R.S.O. 1937, c. 76, s. 2 (1), *amended*.

Constitution of Board.

(2) The Board shall consist of one or more members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O. 1937, c. 76, s. 2 (2), *part*.

Chairman.

(3) Where more than one member is appointed the Lieutenant-Governor in Council shall designate one of the members as chairman. R.S.O. 1937, c. 76, s. 2 (2), *part*.

Quorum.

(4) Where the Board consists of four or more members three members shall constitute a quorum. 1944, c. 36, s. 1, *amended*.

Staff.

3.—(1) The staff of the Board shall consist of an administrative officer and such other officers, field-men, clerks, stenographers and employees as the Lieutenant-Governor in Council may appoint. R.S.O. 1937, c. 76, s. 2 (4), *amended*.

Direction and control of staff.

(2) The administrative officer shall be under the direction and control of the Board and the officers, field-men, clerks, stenographers and employees shall be under the direction and control of the administrative officer. *New*.

Salaries.

4. The members, the administrative officer and the officers, field-men, clerks, stenographers and employees shall be paid such salaries or other remuneration and expenses as the Lieutenant-Governor in Council may determine. R.S.O. 1937, c. 76, s. 2 (3, 4), *amended*.

Powers of Board.

5.—(1) The Board may,—

- (a) upon its own initiative or upon complaint, inquire into any matter relating to the production, transportation, processing, distribution or sale of milk;
 - (b) arbitrate, adjust and settle disputes arising between or among producers, transporters, processors and distributors of milk;
 - (c) investigate the cost of producing, transporting, processing and distributing milk, prices, price spreads, trade practices, methods of financing, management, testing, weighing and any other matter relating to the marketing of milk;
 - (d) prohibit distributors compelling or inducing producers to invest money either directly or indirectly in a dairy plant or equipment in order that such producers may obtain or retain a sale for their milk;
 - (e) prohibit a processor or a distributor from terminating the purchase of milk from a producer or a producer from terminating the sale of milk to a processor or distributor without just cause;
 - (f) enter upon and inspect any land, place, building, works or property of any transporter, processor or distributor;
 - (g) refuse to grant a licence where the applicant is not qualified by experience, financial responsibility and equipment to properly conduct the proposed business or for any other reason that the Board may deem sufficient;
 - (h) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, or any order of the Board, or any agreement or award, provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be;
 - (i) do such acts and make such orders as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any agreement or award. R.S.O. 1937, c. 76, s. 4 (1), *amended*.
- (2) Upon any inquiry or investigation under this section

Powers of
investigation.

the Board shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act. New.*

Rev. Stat.,
c. 19.

Application for marketing agency. **6.**—(1) Where the producers supplying milk to a market have a representative organization, the organization, and where there is no such organization, a representative group of such producers, may apply to the Lieutenant-Governor in Council to establish a marketing agency.

Reference to Board.

(2) The application may be referred to the Board and thereupon it shall be the duty of the Board to examine the application and if it is of opinion that at least seventy-five per centum of the producers supplying the market support the application, it may recommend to the Lieutenant-Governor in Council that it be granted.

Power to constitute marketing agencies.

(3) Upon receipt of the recommendation, the Lieutenant-Governor in Council may constitute the applicants or any of them as a marketing agency under the name designated.

Objects, powers, etc.

(4) Every marketing agency shall be a body corporate with the following objects, powers and duties,—

- (a) to stimulate, increase and improve the production and marketing of milk;
- (b) to act as the collective bargaining agency for the producers it represents;
- (c) to act as the marketing agency for the producers it represents;
- (d) to appoint inspectors;
- (e) to receive licence fees and expend the same for its purposes; and
- (f) to do such other acts and things as are necessary or conducive to the attainment of its objects, powers and duties.

Furnishing of information.

(5) The Board may require a marketing agency to furnish information relating to any act or thing undertaken or done by the marketing agency. *New.*

Collective bargaining,—producers, processors, distributors;

7.—(1) The producers, any class of processors or the distributors of milk in any market may require,—

- (a) in the case of producers, the processors or distributors to whom they sell milk; or

- (b) in the case of processors or distributors, the producers from whom they purchase milk,

to bargain collectively in order to determine the prices that shall be paid to the producers supplying milk to the distributors or processors and to prescribe the terms and conditions relating to the sale and purchase of the milk and to fix quotas or establish quota committees.

(2) The producers or transporters of milk in any market Producers, transporters. may require,—

- (a) in the case of producers, the transporters who transport their milk to processors or distributors; or
- (b) in the case of transporters, the producers from whom they receive milk,

to bargain collectively in order to determine the prices that shall be paid to the transporters for transporting the milk of the producers to processors or distributors and to prescribe the terms and conditions relating to the transportation of the milk.

(3) Notice to bargain collectively setting out,— Notice.

- (a) the names of the persons joining in the notice;
- (b) the names and addresses of their collective bargaining representatives; and
- (c) the market in respect of which collective bargaining is sought,

shall be given to the persons who are required to bargain collectively and a copy of the notice shall be sent to the Board.

(4) Where the Board is of opinion that the persons requiring collective bargaining are not representative of the producers, Sufficiency of representation. transporters, processors or distributors, as the case may be, it may, within one week of the receipt of the notice, so advise the persons joining in the notice and the persons to whom the notice was given and thereupon the notice shall cease to have effect.

(5) Where the persons required to bargain collectively do not advise the representatives of the persons requiring collective bargaining and the Board of the names of their representatives within two weeks of the receipt of the notice under subsection 3, the Board may designate persons to represent them. Failure to observe notice.

Sufficiency
of repre-
sentation.

(6) Where the Board is of opinion that the representatives named by the persons that are required to bargain collectively are not representative of such persons, it may designate persons to represent them.

Good faith.

(7) The representatives shall bargain collectively in good faith. 1947, c. 64, s. 3, *part, amended*.

Interpre-
tation of
"persons".

(8) In this section the expression "persons" includes an association or a marketing agency. *New*.

Failure to
agree,—
arbitration.

8.—(1) Where the representatives of either party are satisfied that an agreement cannot be reached under section 7, they may, by notice to the representatives of the other party, require all matters in dispute to be referred to a board of arbitration of three members to which the representatives of each of the parties shall appoint a member, and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time in the opinion of the Board, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time in the opinion of the Board, the Board may, upon the request of the other party, appoint a member in lieu thereof.

Third
member.

(3) Where the two members of the board of arbitration fail, within five days of the appointment of the last one appointed, to agree upon the third member, the Board may appoint the third member. 1947, c. 64, s. 3, *part, amended*.

Decision of
chairman.

(4) Where a majority of the members of a board of arbitration fail to agree upon any matter referred to it, the decision of the chairman shall be deemed to be the decision of the board. *New*.

Costs.

(5) Each of the parties to the arbitration shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1946, c. 64, s. 3, *part, amended*.

Filing
of agree-
ments and
awards.

9.—(1) Every agreement and every award shall be filed forthwith after the making thereof with the Board and on the seventh day after the filing, or on such later day as may be named in the agreement or award, as the case may be, shall be and remain in full force and effect until it expires in accordance with its terms or until it is altered by an agreement or award subsequently made under this Act. 1947, c. 64, s. 3, *part, amended*.

(2) Every agreement and award heretofore filed with the Board shall be deemed to have been made under this Act and shall be and remain in full force and effect until it expires in accordance with its terms or until it is altered by an agreement or award made under this Act. Existing agreements and awards continued in force.

(3) Every agreement and award shall be binding upon the parties thereto and upon all persons represented by them under this Act. *New.* Binding effect of agreements and awards.

10.—(1) Only the producers that supplied milk to the market at the time the agreement or award was made shall be entitled to supply milk to the market while the agreement or award is in effect, provided that any other producer,— Persons entitled to supply milk.

- (a) who has arranged with a processor or distributor in the market to purchase his milk; and
- (b) who complies with the laws relating to the production, sanitation, handling and care of milk,

shall be entitled to supply milk to the market and shall be bound by the agreement or award and every other matter relating to the marketing of milk in the same manner as other producers supplying milk to the market.

(2) Only the processors or distributors in the market at the time the agreement or award was made shall be entitled to process or distribute milk in the market, provided that any other processor or distributor,— Persons entitled to process or distribute milk.

- (a) who complies with the laws relating to the sanitation, weighing, handling and care of milk;
- (b) who has arranged for a supply of milk; and
- (c) who has obtained a licence as a processor or distributor from the Board and a municipal licence where the same is required,

shall be entitled to process or distribute milk in the market or the part thereof designated in his licence and shall be bound by the agreement or award and every other matter relating to the marketing of milk in the same manner as other processors or distributors in the market. *New.*

11.—(1) If the processors or distributors in any market require additional milk to that provided for in the agreement or award, the producers supplying the market shall, unless it is otherwise provided in the agreement or award, have the right of supplying the additional milk required at the prices Where additional milk required.

determined by the agreement or award, failing which the processors or distributors may obtain the additional milk required as they see fit.

Where additional milk produced.

(2) If the producers supplying milk to a market have additional milk to that required to be supplied under the agreement or award, the processors or distributors shall, unless it is otherwise provided in the agreement or award, have the right of purchasing the additional milk at the prices determined by the agreement or award, failing which the producers may dispose of the additional milk as they see fit.

New.

Establishment of fund for producers' associations.

12.—(1) When the Minister receives from an association of milk producers who are engaged in supplying milk to processors or distributors in a market a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying milk to processors or distributors in such market be required to pay licence fees, the Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such association represents at least seventy-five per centum of the producers so engaged, make an order,—

- (a) requiring every producer so engaged to pay to the association licence fees in different amounts and fixing the amounts of such fees payable in instalments;
- (b) requiring every processor and distributor who receives milk from any such producer to deduct the amount of the licence fees of such producer from moneys payable to the producer and to pay such amount to the association; and
- (c) requiring the association to furnish to the Board such information and financial statements as the Board may determine.

Existing orders.

1944, c. 52.

(2) Every such order heretofore filed under *The Regulations Act, 1944*, shall be deemed to have been made under this Act and shall be and remain in full force and effect until revoked or until a marketing agency in the market has been established.

New.

Transportation of milk by producers' co-operatives.

Rev. Stat., c. 251; 290.

13. Where one of the objects of a co-operative corporation under Part XII of *The Companies Act* is to engage in the transportation of milk and the Board issues a certificate to the Minister of Highways that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to a market, no licence under *The Commercial Vehicle Act* shall be required by the corporation for the purpose of transporting such milk to the market.

New.

14.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—^{Regulations.}

- (a) designating classes of processors and distributors;
- (b) providing for the issuing of licences by the Board to transporters and to the designated classes of processors and distributors and fixing the licence fees payable therefor;
- (c) providing for the issuing of temporary licences by the administrative officer;
- (d) prescribing the form of licences and the terms and conditions upon which licences shall be issued, renewed, suspended or revoked;
- (e) prohibiting the persons that are required to be licensed in respect of transporting, processing or distributing milk from engaging in any such business except under the authority of a licence;
- (f) providing for the furnishing of security or proof of financial responsibility by processors and distributors;
- (g) prescribing the terms of payment for milk purchased from producers;
- (h) providing for the payment to marketing agencies of licence fees in different amounts and in instalments by producers represented by marketing agencies and for the collection thereof by processors and distributors;
- (i) prescribing the form of the by-laws of marketing agencies;
- (j) prescribing the conditions under which milk shall be received, handled, transported, stored, delivered or supplied;
- (k) prohibiting the sale of milk by retailers and others at less than or more than the cost thereof and a reasonable margin for handling and profit;
- (l) providing for the purchase of milk from producers on a quota basis;
- (m) prescribing fair business practices relating to the marketing of milk;

- (n) providing for the regulation and control of the delivery routes of distributors, including the number of deliveries that shall be made in each week and the days upon which deliveries shall be made;
- (o) prescribing the types of containers that shall be used by distributors;
- (p) requiring producers, transporters, processors, distributors and persons who keep for sale or sell milk to furnish to the Board such information or returns as the Board may determine;
- (q) prescribing the records that shall be kept by transporters, processors and distributors;
- (r) prescribing the powers and duties of field-men and inspectors;
- (s) exempting any person or class of persons from this Act or the regulations or any part thereof; and
- (t) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

Regulations
may be
limited.

(2) Any regulation made under this section may be limited as to time and place. R.S.O. 1937, c. 76, s. 15, *amended*.

Penalties.

15. Every person who violates any of the provisions of this Act or the regulations, or any order, agreement or award made under this Act shall be guilty of an offence and liable, for a first offence, to a penalty of \$50, and for a second or subsequent offence, to a penalty of not less than \$100 and not more than \$500, recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 76, s. 19, *amended*.

Rev. Stat.,
c. 136.

Injunction
proceedings.

16.—(1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor or distributor from carrying on business as a transporter, processor or distributor, absolutely, or for such period as seems just, and any injunction shall *ipso facto* cancel the licence of the transporter, processor or distributor named in the order during the same period.

Applica-
tion may be
ex parte.

(2) The application under subsection 1 may be made without any action being instituted either,—

- (a) by an *ex parte* motion for an interim injunction

which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* is sooner heard and determined; or

- (*b*) by an originating notice of motion which, if an interim injunction has been granted, shall be served within five days and be returnable within ten days from the date of such interim injunction. R.S.O. 1937, c. 76, s. 18.

17. The moneys required for the purposes of this Act shall be paid out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 76, s. 2 (5). Provision for moneys required.

18. *The Milk Control Act*, being chapter 76 of the Revised Statutes of Ontario, 1937, section 20 of *The Statute Law Amendment Act, 1940*, *The Milk Control Amendment Act, 1941*, *The Milk Control Amendment Act, 1944*, and *The Milk Control Amendment Act, 1947*, are repealed. Rev. Stat., c. 76; 1940, c. 28, s. 20; 1941, c. 31; 1944, c. 36; 1947, c. 64, repealed.

19. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

20. This Act may be cited as *The Milk Control Act, 1948*. Short title.

CHAPTER 56.

An Act to amend The Mining Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *i* of section 1 of *The Mining Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 1,
cl. *i*,
re-enacted.

- (i) "Machinery" shall include steam and other engines, boilers, furnaces, milling and crushing apparatus, hoisting and pumping equipment, chains, trucks, tramways, tackle, blocks, ropes and tools, and all appliances used in or about or in connection with a mine.

(2) Clause *j* of the said section 1 is amended by adding at the end thereof the words "except that the provisions of Parts VIII and IX shall not apply to office buildings, cook-houses, bunkhouses, recreational centres, dwellings and the grounds used in connection therewith", so that the said clause shall now read as follows:

Rev. Stat.,
c. 47, s. 1,
cl. *j*,
amended.

- (j) The noun "mine" shall include any opening or excavation in, or working of, the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, bed of earth, clay, sand, gravel or cement, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine, and also for the purposes of Parts VIII and IX, any quarry, excavation or opening in the ground made for the purpose of searching for or removal of mineral, soil, rock, quartz, limestone, earth, clay, sand, gravel or cement and any roast-yard, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining, or treating any of said substances, except that the provisions

of Parts VIII and IX shall not apply to office buildings, cookhouses, bunkhouses, recreational centres, dwellings and the grounds used in connection therewith.

Rev. Stat.,
c. 47,
amended.

2. *The Mining Act* is amended by adding thereto the following section:

Officers
authorized
to take
affidavits.

17a. The Minister or Deputy Minister may, in the prescribed form, authorize any officer, employee or agent of the Department to take affidavits, declarations or affirmations required under this Act and any declaration, affidavit or affirmation taken before the person so authorized shall have the same force and effect as if taken before a commissioner appointed under *The Commissioners for taking Affidavits Act*.

Rev. Stat.,
c. 121.

Rev. Stat.,
c. 47, s. 24,
subs. 1,
amended.

3. Subsection 1 of section 24 of *The Mining Act* is amended by striking out the words "mining partnership" in the first line, so that the said subsection shall now read as follows:

License
required.

(1) No person or company not the holder of a miner's license shall prospect for minerals upon Crown lands or land of which mining rights are in the Crown, or stake out, record or acquire any unpatented mining claim, or area of land for boring permit, or acquire any right or interest therein.

Rev. Stat.,
c. 47, s. 27,
amended.

4. Section 27 of *The Mining Act* is amended by striking out the words "a mining partnership or" in the first line and by striking out the word "partner" in the second line, so that the said section shall now read as follows:

Effect of
license to
company.

27. A miner's license held by a company shall not entitle any shareholder, officer or employee thereof to the rights or privileges of a licensee.

Rev. Stat.,
c. 47, s. 28,
repealed.

5. Section 28 of *The Mining Act* is repealed.

Rev. Stat.,
c. 47, s. 29,
subs. 2,
amended.

6. Subsection 2 of section 29 of *The Mining Act* is amended by striking out the words "and to mining partnerships" in the second and third lines, so that the said subsection shall now read as follows:

Who may
issue
renewals.

(2) Licenses to companies may be renewed by the Minister or the Deputy Minister, and licenses to individuals may be renewed by the Minister or the Deputy Minister or by any recorder.

Rev. Stat.,
c. 47, s. 40,
subs. 1,
amended.

7. Subsection 1 of section 40 of *The Mining Act* is amended by striking out the words "mining partnership" in the second

and third lines, so that the said subsection shall now read as follows:

- (1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person or company shall prospect for minerals or stake out a mining claim upon that part of any lot used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops which may be damaged by such prospecting are growing, or on that part of any lot upon which is situated any spring, artificial reservoir, dam or waterworks, or any dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee or locatee of the surface rights, or by order of the recorder or the Judge, and upon such terms as to him may seem just.

Lands used or occupied as gardens, etc.

8. Section 67 of *The Mining Act*, as re-enacted by section 2 of *The Mining Amendment Act, 1943* and amended by section 4 of *The Mining Amendment Act, 1945*, is repealed and the following substituted therefor:

Rev. Stat., c. 47, s. 67 (1943, c. 14, s. 2), re-enacted.

- 67.—(1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each 40 days' work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, as provided in the regulations, shall be entitled to have such samples assayed without charge.

Free assays.

- (2) Every free assay coupon shall be valid only for a period of two years after the date of issue thereof.

Validity of coupons.

9.—(1) Subsection 3 of section 78a of *The Mining Act*, as enacted by section 10 of *The Mining Amendment Act, 1947*, is repealed and the following substituted therefor:

Rev. Stat., c. 47, s. 78a, subs. 3 (1947, c. 66, s. 10), re-enacted.

- (3) Boring by a diamond or other core drill shall count as work,—

Drilling,—diamond or other core drill.

- (a) where the core from the drill does not exceed $25/32$ of an inch in diameter, at the rate of one day's work for each two feet of boring; and
- (b) where the core from the drill exceeds $25/32$ of an inch in diameter, at the rate of one day's work for each foot of boring.

Rev. Stat.,
c. 47, s. 78a,
subs. 5
(1947,
c. 66, s. 10),
re-enacted.

Geophysical
surveys.

(2) Subsection 5 of the said section 78a is repealed and the following substituted therefor:

- (5) A geophysical survey, satisfactory to the Minister, of a mining claim, may be recorded as work on such claim, subject to the following:

Ground Surveys.

- (a) at the rate of four days' work in respect of each man necessarily employed in the survey for each day of his employment; and

Airborne Magnetic Surveys.

- (b) at the rate of twenty days' work in respect of each mile of continuous recordings,

but not more than a total of forty days' work may be recorded in respect of each claim, and credit for such work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to and approved by him within sixty days of the recording of such work.

Rev. Stat.,
c. 47, s. 78a
(1947,
c. 66, s. 10),
amended.

(3) The said section 78a is further amended by adding thereto the following subsection:

Certain
work
excepted
from s. 78,
subs. 6.

- (8) Subsection 6 of section 78 shall not apply to geological and geophysical work, and for the purposes of this Act, such work shall be deemed to have been performed equally on each claim actually covered by the survey, and shall be recorded accordingly, and in no other way.

Rev. Stat.,
c. 47, s. 87,
repealed.

10. Section 87 of *The Mining Act*, as amended by section 14 of *The Mining Amendment Act, 1947*, is repealed.

Rev. Stat.,
c. 47, s. 95,
subs. 2,
re-enacted.

11. Subsection 2 of section 95 of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1940*, is repealed and the following substituted therefor:

Application
for patent.

- (2) The application and payment for a patent or lease shall be made to the recorder within one year from the date upon which all work on a mining claim is required to be performed and such application shall be accompanied by a certificate of record as provided in subsection 1 of section 62 and a certificate of the complete performance of working conditions as provided in subsection 4 of section 78.

Rev. Stat.,
c. 47,
amended.

12. *The Mining Act* is amended by adding thereto the following section:

- 102a. Where letters patent, leases, licenses or other instruments of title have been issued to or in the name of the wrong person through mistake, or contain any clerical error or misnomer, or a wrong description of the land intended to be granted, the Deputy Minister, if there is no adverse claim and whether or not the land has been registered under *The Land Titles Act* or *The Registry Act*, may direct the defective instrument to be cancelled and a correct one to be issued in its stead and the corrected instrument shall relate back to the date of the one so cancelled and shall have the same effect as if issued on the date of such cancelled instrument.
- Cancellation of erroneous patents.
Rev. Stat., c. 47, Part VIII, re-enacted.
cc. 174; 170.

13. Part VIII of *The Mining Act*, as amended by sections 17 to 23 of *The Mining Amendment Act, 1939* and section 22 of *The Statute Law Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat., c. 47, Part VIII, re-enacted.

PART VIII.—OPERATION OF MINES.

150.—(1) In this Part,—

Interpretation,—

- (a) “authorized” shall mean properly authorized to perform any specified duty or to do any specified act, and “qualified” shall mean properly qualified to perform any specified duty or do any specified act; “authorized” and “qualified”;
- (b) “Chief Inspector” shall mean Chief Inspector of Mines for Ontario, and “Inspector” shall mean Inspector of Mines for Ontario and shall include a person designated by the Department as a “District”, “Electrical”, or “Mechanical” Inspector of Mines; “Chief Inspector”;
- (c) “manager” shall mean the person responsible for the control, management and direction of a mine or portion of a mine or works; “manager”;
- (d) “Rescue Station Superintendent” shall mean a person designated by the Chief Inspector to have charge of a mine rescue station. “Rescue Station Superintendent”.

(2) Subject to the requirements of this Act, and except as otherwise herein provided, responsibility for the authorization and decisions as to the qualifications of employees shall rest with the employer or his agent.

Responsibility as to qualifications.

EMPLOYMENT IN AND ABOUT MINES.

151.—(1) No male person under the age of sixteen years shall be employed in or about any mine, and no male person under the age of eighteen years shall be employed underground in any mine or at the working face of any open cut workings, pit or quarry.

Restrictions on employment of children.

Female
employment.

(2) No female person shall be employed at any mine except on surface in a technical, clerical or domestic capacity or such other capacity as requires the exercise of normal feminine skill or dexterity but does not involve strenuous physical effort.

MINE RESCUE STATIONS.

Establish-
ment.

152.—(1) Mine rescue stations shall be established, maintained and operated at such points in the Province as the Minister may direct and every mine rescue station shall be equipped and operated in a manner approved by the Chief Inspector.

Person in
charge of
operations.

(2) The equipment and operation of a mine rescue station shall be in charge of such person or persons as may be designated and appointed by the Chief Inspector and it shall be the duty of such person or persons to teach and train mine rescue crews and supervisors in the use and maintenance of the apparatus in such manner as the Chief Inspector may direct, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the Chief Inspector may deem necessary.

Duty of
owner, agent
and manager
as to train-
ing of rescue
crews.

(3) It shall be the duty of the owner, agent or manager of every mine to cause such number of workmen and supervisors as the District Inspector may deem necessary to be trained in the use and maintenance of mine rescue equipment.

Responsi-
bility in
mine rescue
and recovery
operations.

(4) In all mine rescue and recovery operations conducted at any mine the manager shall be responsible for the supervision and direction of all mine rescue crews, except where an Inspector in the exercise of his general powers, referred to in clause *d* of subsection 1 of section 168, directs otherwise.

Workmen's
Compensa-
tion Board
to provide
funds.

(5) The Workmen's Compensation Board of Ontario shall provide the funds necessary for the establishment, equipment and maintenance of each of such rescue stations at the expense of the mining industry and such funds shall be payable out of moneys assessed and collected from time to time from the mining industry.

HOURS OF LABOUR UNDERGROUND.

Hours of
labour
under-
ground.

153.—(1) No workman shall remain or be allowed to remain underground in any mine for more than eight hours in any

consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, provided that,— *Proviso.*

(a) a Saturday shift may work longer hours for the purpose of avoiding work on Sunday or changing shift at the end of the week or giving any of the men a part holiday;

(b) the said limit shall not apply to a foreman, pumpman, cagetender, or any person engaged solely in surveying or measuring, nor shall it apply in cases of emergency, where life or property is in imminent danger, or in any case of repair work.

(2) No person shall operate or be permitted to operate, ^{Hours of operator of hoist.} either on the surface or underground, any hoist by means of which persons or material are hoisted, lowered or handled in any shaft or winze, for more than eight hours in any consecutive twenty-four hours, except,—

(a) that in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and where no competent substitute is available the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours;

(b) that in the case where the work at any mine or in any shaft or winze at any mine is not carried out continuously on three shifts per day, in which case the hoistman may work such extra time as may be necessary for hoisting or lowering the workmen employed on the shift at the beginning and end of each shift;

(c) in the cases provided for in clauses *a* and *b* of subsection 1.

(3) In this section,—

Interpretation,—

(a) “workman” shall mean any person employed underground in a mine who is not the owner or agent or an official of the mine;

(b) “shift” shall mean any body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same,

and where any question or dispute arises as to the meaning or application of clause *b* of subsection 1, or as to the meaning of "workman", "shift", or "underground", the certificate of the Inspector shall be conclusive.

Commence-
ment of
section.

(4) This section shall have effect and shall be deemed to have had effect from the 1st day of January, 1914, in all parts of the Province without county organization, and as to the remaining parts of the Province this section shall come into force and have effect on a day to be named by the Lieutenant-Governor by his Proclamation.

QUALIFICATIONS OF HOISTMEN.

Age limit
of hoistmen.

154.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoist shall be allowed to have charge of any hoist at a shaft or winze in which men are handled at any mine.

Idem.

(2) No person under the age of eighteen years shall be allowed to have charge of any hoist of any kind at a mine.

Hoistmen
to be holder
of medical
certificate.

(3) No person shall operate or be permitted to operate any hoist at a shaft or winze in which men are handled at any mine, or for any other purpose designated by the Inspector, unless such person has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to such person on the form prescribed a hoistman's medical certificate to the effect that to the best of the practitioner's knowledge such person is not subject to any infirmity, mental or bodily (particularly with regard to sight, hearing and heart), to such a degree as to interfere with the efficient discharge of his duties.

Expiry of
certificate.

(4) Such certificate shall lapse and be deemed to have expired at the end of one year from the date thereof.

Filing of
certificate.

(5) Such certificate shall be kept on file by the employer and made available to the Inspector at his request.

Posting
record of
certificates.

(6) A record of all hoistmen's medical certificates pertaining to hoistmen operating in any one hoistroom shall be kept posted therein, showing the names of the hoistmen and the date of the last certificate issued to each.

MEDICAL EXAMINATIONS.

155.—(1) For the purposes of this section,—

Interpreta-
tion,—

- (a) “applicant” shall mean a person who is not the “applicant”; holder of a certificate in good standing, issued under the authority of subsections 4 to 11, who is seeking employment in a dust exposure occupation;
- (b) “certificate” shall mean initial certificate, extended “certificate”; certificate, endorsed certificate, miner’s certificate or renewed certificate;
- (c) “dust exposure occupation” shall mean, “dust exposure occupation”;
 - (i) employment underground in a mine,
 - (ii) employment at the surface of a mine in ore or rock crushing operations where the ore or rock is not crushed in water or a chemical solution which constantly keeps it in a moistened or wet condition,
 - (iii) employment at other locations, as designated by the Chief Inspector, at the surface of a mine or in a pit or quarry;
- (d) “endorsed certificate” shall mean an initial certificate “endorsed certificate”; or extended certificate which has been endorsed under subclause ii of clause *b* of subsection 4.
- (e) “extended certificate” shall mean an initial certificate “extended certificate”; which has been extended under subclause i of clause *b* of subsection 4;
- (f) “initial certificate” shall mean a certificate issued to “initial certificate”; an applicant under clause *a* of subsection 4;
- (g) “medical officer” shall mean a medical officer ap- “medical officer”; pointed under *The Workmen’s Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;
- (h) “miner’s certificate” shall mean a certificate issued “miner’s certificate”; under clause *a* of subsection 5;
- (i) “renewed certificate” shall mean a miner’s certificate “renewed certificate”; which has been renewed under clause *b* of subsection 5.

Employment
in dust
exposure
occupation.

(2) No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Term of
certificate.

(3) (a) Subject to clause *b* every certificate shall remain in force for not more than twelve months, provided that a medical officer may, at any time, recall the holder of any certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel such certificate in accordance with his finding upon such examination.

Examination
by travelling
medical
officer.

(b) In the parts of Ontario where the examinations under subsections 4 and 5 are conducted by a travelling medical officer no certificate shall be deemed to have expired because of the failure of the medical officer to conduct any examination prior to the date of expiration of any certificate, and the holder of any certificate which would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

Expiration of
certificate.

(c) Where a certificate of a person employed in the mining industry has expired because of the failure of the holder thereof to present himself to a medical officer for examination, a medical officer may extend, endorse or renew such certificate or issue a miner's certificate, as the circumstances of the case may require, if he is satisfied that such failure was caused by the inability of such holder to so present himself because of illness or other circumstances beyond his control.

Examination
before em-
ployment.

(4) (a) Every applicant shall be examined by a medical officer before commencing employment and if the medical officer finds upon examination that the applicant is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall issue to the applicant an initial certificate.

Initial
certificate
holder—re-
examination.

(b) The holder of an initial certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall,

- (i) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months' employment in a dust exposure occupation, extend such certificate for such period as he may deem necessary to permit the certificate holder to complete twelve months' employment in a dust exposure occupation, and he may from time to time extend such certificate for the same purpose, and

- (ii) in the case of a holder of an initial certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation endorse such certificate.

(5) (a) The holder of an endorsed certificate who since the endorsement of his initial certificate has completed eleven months or more employment in a dust exposure occupation shall, prior to the expiration thereof, present himself to a medical officer for examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs he shall issue him a miner's certificate. Issue of miner's certificate.

(b) The holder of a miner's certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs, he shall renew such certificate, which may be further renewed from year to year upon the passing of a similar examination. Miner's certificate holder—re-examination.

(6) The holder of any certificate who, for any reason, is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and upon presentation of the holder's certificate the medical officer shall conduct the required examination and effect such extension, endorsement, issuance of renewal as may be warranted by his findings upon such examination. Unemployed holder of a certificate.

(7) (a) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed, through neglect on his part, to have his certificate extended or endorsed, such certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Holder of initial or extended certificate.

(b) Where the holder of an endorsed certificate or miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed, through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Holder of endorsed or miner's certificate.

(c) Where the holder of any certificate has been out of employment in the mining industry for a period exceeding three years, he shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Where unemployment exceeds three years.

Custody of
certificate.

(8) The manager or superintendent of the mine at which the holder of a certificate is employed may require such certificate to be delivered to and left in the custody of such manager or superintendent during the period of the holder's employment at the mine but such certificate shall be returned to the holder upon the termination of his employment at such mine.

Exemptions.

(9) (a) The Chief Inspector may exempt from the provisions of subsections 2 to 8 any mine or any person employed thereat where, in his opinion, the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such subsections should not apply.

(b) Subsections 2 to 8 shall not apply to any person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

Regulations.

(10) The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the nature of the examination to be made by a medical officer under subsections 4 to 7;

(b) prescribing the forms of certificates and extensions, endorsement and renewals thereof; and

(c) generally for the better carrying out of the requirements of subsections 2 to 9.

Existing
certificates.

(11) Every person who is the holder of a certificate when this section comes into force shall be entitled to receive a like certificate under this section which shall expire upon the expiration date of the first-mentioned certificate.

PENALTY.

Penalty for
employment
of persons
contrary to
Act.

156. Where a contravention of section 151, 153 or 154 takes place, the owner or agent of the mine, or both of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner nor the agent shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work.

PROTECTION OF UNUSED WORKINGS.

Fencing of
abandoned
or unworked
mines.

157.—(1) Where a mine has been abandoned or the work therein

therein has been discontinued, the owner or lessee thereof or any other person interested in the mineral of the mine shall cause the top of the shaft and all entrances from the surface as well as all other pits and openings dangerous by reason of their depth or other conditions to be and to be kept securely fenced to the satisfaction of the Inspector, except that the Chief Inspector may grant exemption in writing if in his opinion such mine or workings present no greater hazard than the natural topographic features of the district.

(2) Every such person who, after notice in writing from the Inspector, fails to comply with his directions as to such fencing within the time named in the notice shall be guilty of an offence against this Act. Failure to erect fence after notice.

(3) Where the Inspector finds that any such fencing is required in order to avoid danger to health or property he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid. When Inspector may erect fence.

(4) The amount of such costs with interest thereon shall be due from the owner or lessee to the Crown and recoverable at the suit of the Inspector in any court of competent jurisdiction. Recovery of costs of work.

PROCEDURE RE FATAL ACCIDENTS.

158.—(1) (a) Where a fatal accident occurs in or in connection with a mine, an inquest shall be held. Coroner to hold inquest.

(b) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurred. Duty of manager.

(c) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs shall be ineligible to act as coroner in connection with such fatal accident. Eligibility of coroner.

(d) Where a fatal accident occurs in or in connection with a mine at a place which is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the Supervising Coroner for Ontario may direct such coroner to issue his warrant and conduct an inquest and such direction shall be such coroner's authority therefor. Supervising coroner may direct.

Right of
Inspector re
inquest.

(2) The Inspector and any person authorized to act on his behalf shall be entitled to be present and to examine or cross-examine any witness at an inquest held concerning a death caused by an accident at a mine, and if the Inspector or someone on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days' notice of the time and place at which the evidence is to be taken.

Notice of
fatal
accidents.

(3) Where in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes loss of life to any person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the Inspector resident in that part of Ontario in which the accident occurred and the Chief Inspector by telephone or telegraph.

Scene to be
undisturbed.

(4) Subject to subsection 5, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until an Inspector has completed an investigation of the circumstances surrounding such accident.

Permission
to alter
scene.

(5) Where it is impossible for an Inspector to make an immediate investigation of an accident the Chief Inspector or any Inspector may permit such wreckage, articles and things at the scene of or connected with the accident to be moved to such extent as may be necessary to permit the work of the mine, metallurgical works, quarry, sand, clay or gravel pit to be proceeded with, provided photographs or drawings showing details of the scene of the accident have been made prior to such moving.

RESPONSIBILITY AS TO RULES.

Suspension
of rule.

159.—(1) Where the owner, agent or manager of a mine, by his application in writing stating his reasons therefor, requests the Inspector to suspend the requirements of any rule under section 160 as to such mine, the Chief Inspector, upon the recommendation of an Inspector, may in writing direct that the requirements of such rule shall not apply to such mine, or may in writing direct that such rule shall not apply so long as such limitations and conditions as he may see fit to impose are observed or complied with.

Cancellation
of suspen-
sion.

(2) The Chief Inspector may at any time cancel any order made under subsection 1, or make such alterations therein as he may deem proper in view of any change in the conditions under which such order was made or upon it appearing to him that such change, for any other cause, is advisable.

(3) The manager of a mine may make rules not inconsistent with any rule herein set out, or any special direction made by an Inspector as hereinbefore provided, for the maintenance of order and discipline and the prevention of accidents in the mine, and may submit any rule so made to the Chief Inspector, who shall lay the same before the Minister for his approval, and upon such approval being given the rules shall take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, provided that the Minister may disallow any of such rules or direct such changes to be made in them as he may deem proper.

- (a) Every such rule after approval and when and so long as it is posted up and is legible shall have the same force and effect as the rules and regulations set out in this Act and any person who contravenes any such rule shall incur the penalty provided for a breach of the rules and regulations contained in this Act.

(4) (a) The owner of a working mine or works shall appoint a manager who shall be responsible for the control, management and direction of the mine or works.

Manager
may make
rules.

Responsi-
bility as to
carrying
out rules.

(b) Except as to any rules which the Chief Inspector has directed shall not be applicable thereto,

- (i) the manager of the mine shall take all necessary and reasonable measures to enforce the requirements of the rules set forth in section 160 and to ensure that they are observed by every employee of the mine, and every foreman, shift boss, mine captain and department head shall take all necessary and reasonable measures to enforce the requirements of all such rules as are applicable to the work over which he has supervision and to ensure that the same are observed by the workmen under his charge and direction,
- (ii) every workman shall take all necessary and reasonable measures to carry out his duties in accordance with such rules as are applicable to the work in which he is engaged,
- (iii) every person through whose neglect or wrongful act a contravention shall occur shall be deemed to have incurred the penalties provided for a breach of the rules.

(c) The manager of a working property shall appoint some suitable person or persons who shall be responsible, during such manager's absence, for taking all necessary and reasonable measures to enforce the requirements of clause *b* of sub-section 4.

Owner to give facilities to manager to comply.

(5) The owner or agent shall provide the manager of a mine or works with the necessary means and shall afford him every facility for complying with the requirements of the rules as set forth in this Part.

Liability of contractors and sub-contractors.

(6) Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the rules and provisions of this Part pertaining to the work over which he has control and shall in any case of non-compliance therewith be guilty of an offence and punishable in like manner as if he were owner or agent.

RULES.

Rules.

160. Subject to section 159, the following rules shall be observed and carried out at every mine and the decision of the Inspector as to whether or not any situation complies with any requirement of the rules in which "suitable," "adequate," "approved" or any expression of like import is used and as to the meaning and application of any such expression shall be final and conclusive and a certificate of any such decision signed by the inspector may be used as evidence in any court:

Duty as to knowledge of rules.

(1) It shall be the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender, and every person in charge of workmen, or who handles explosives, or who operates, installs or has to do with maintenance of any machinery or electrical apparatus in or about a mine, to know such of these rules as apply to the work in which he is engaged.

Foreman, knowledge of English language.

(2) Every person employed as a foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language.

Other workmen, knowledge of English language.

(3) Every person in charge as a deckman, cagetender, skiptender or hoistman shall have an adequate knowledge of the English language to enable him to carry out his duties in a thoroughly safe manner.

Fire Protection.

Procedures.

(4) (a) General procedures to be followed both on surface and underground in case of fire underground or in any mine plant building which may endanger the mine entrance shall be drawn up and all persons concerned shall be informed and kept informed of their duties. Copies of the procedure or suitable excerpts shall be kept posted in the shafthouse or other prominent places.

(b) Procedures for fighting fire in surface plant buildings at ^{Idem.} a mine shall be drawn up and suitable signs pertaining to and excerpts from the procedures shall be kept posted in prominent places.

(5) (a) No inflammable refuse shall be allowed to accumulate underground, but shall be removed from the workings at least ^{Removal of inflammable material,—, from underground workings;} once a week and be brought to the surface and there disposed of in a suitable manner.

(b) Inflammable refuse shall not be allowed to accumulate ^{from surface buildings.} in or about any headframe, shafthouse, portalhouse or any other plant building.

(c) Suitable metal containers for the temporary disposal ^{Metal containers.} of inflammable refuse such as scrap paper, oily waste, rags, and other similar materials, shall be provided at all shaft stations, underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery or equipment or stores and such containers shall be regularly emptied and the material so accumulated brought to the surface and disposed of in a suitable manner.

(6) No person shall build, set or maintain a fire under- ^{Building fires prohibited.} ground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire-fighting equipment has been provided.

(7) Every shift boss and mine captain shall certify in ^{Certificate as to inflammable refuse.} writing to the mine manager at least once a week that there is no accumulation of inflammable refuse underground in the area under his supervision except as reported by him.

(8) Oil, grease or other inflammable material shall not be ^{Storage of oil and grease.} stored in a shafthouse or portalhouse, but it may be permissible, if adequate precautions be taken, to have in the shaft-house or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

(9) Volatile, inflammable liquids shall not be stored in a ^{Volatile, inflammable liquids.} shafthouse or portalhouse and such material shall be transported underground only in approved types of metal containers.

(10) Oil, grease or volatile inflammable liquid while under- ^{Oil and grease underground.} ground shall be contained in suitable receptacles and the amount of oil or grease so kept underground shall not exceed the requirements for seven days and the amount of volatile inflammable liquid kept underground shall not exceed the requirements for the current day's work.

(11) All timber not in use in a mine shall as soon as practi- ^{Unused timber.} cable be taken from the mine and shall not be piled up and permitted to decay therein.

Open-flame
lights,
precautions.

(12) Where open-flame lights are used at any mine not equipped with a fireproof headframe and shafthouse or portalhouse, the interior of the shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fireproofing material to a height of eight feet.

Fireproofing
underground
structures.

(13) All underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery and equipment and stores and the furnishings of such shall be so located, constructed and maintained as to reduce the fire hazard to a minimum.

Fire hazard
areas.

(14) (a) If, in the opinion of the Chief Inspector, a fire hazard may be created at a mine by smoking, the use of open-flame lamps, matches, or other means of producing heat or fire, he may designate such mine or part or parts of such mine as a fire hazard area.

(b) No person shall smoke or be allowed to smoke, use open-flame lamps, matches or other means of producing heat or fire in such areas except with the permission in writing of the Chief Inspector and under such conditions as he may deem proper.

(c) Such fire hazard areas shall be properly identified by means of suitable warning signs. The owner or manager shall cause such signs to be installed and maintained as long as the area is so designated.

Fire-fighting
equipment.

(15) (a) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse and every other plant building and at every shaft or winze station underground.

(b) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, pump stations, tipples and underground electrical installations except where, in the opinion of the Inspector, no fire hazard exists.

(c) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment and shall make a report, in writing, to the manager stating that such examination has been made and certifying as to the conditions found.

Storage of
carbide.

(16) (a) Calcium carbide shall be stored on the surface only, in a suitable dry place other than the shafthouse or portalhouse or changehouse, and in its original unopened container.

Distribution
of carbide.

(b) For the purpose of distributing calcium carbide adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine. Such distribution shall not take place in any shafthouse, portalhouse or changehouse unless such struc-

ture is thoroughly fireproof but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

(c) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no calcium carbide shall be taken underground except in suitable containers. Handling of carbide.

(17) Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in any headframe, shafthouse, portalhouse, or any other building a fire in which may endanger the mine entrance, or in the underground workings of any mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. Fire protection where torches used.

(18) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators or manifolds, shall be disconnected from the cylinders and the valves shall be protected in a suitable manner. Any such removable protective device shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location. Underground transportation of compressed gases.

(19) (a) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment a second competent operator shall be employed at all times to attend to the operation of the cylinder-control devices. Operation of welding and cutting torches.

(b) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment. Compressed gas.

(20) No device for the generation of gas, such as acetylene for supplying cutting or welding equipment, shall be used in the underground workings of any mine. Generation of gas underground forbidden.

(21) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement shaft or opening. Such auxiliary exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such auxiliary exit shall be of such material and so constructed as to reduce the fire hazard to a minimum. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced, and shall be diligently prosecuted until Escapement shaft.

the same is completed and means of escapement other than the main outlet of the mine provided to and connected with the lowest level on which stoping operations are being carried on. The escapement shaft or opening shall be of sufficient size to afford an easy passageway, and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Legible signs showing exits.

(22) Legible signs showing the way to emergency exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of auxiliary exits.

Buildings in proximity to mine entrance.

(23) Unless there is first provided a second means of exit from the mine workings, no building shall be erected within fifty feet of any closed-in portion of a headframe or portal-house, except that the building housing the hoist and power plant equipment may be erected within this distance provided that such distance be not less than thirty-five feet.

Auxiliary exits for plant buildings.

(24) All plant buildings where men are regularly employed except those used for explosives shall have suitable and adequate auxiliary exits in addition to the main entrance. These auxiliary exits shall always be maintained available for use in case of fire.

Location of boilers and diesel engines.

(25) No steam boiler or diesel engine shall be installed in such a manner that any portion thereof is within seventy-five feet of the centre line of the collar of any shaft or other entrance to a mine.

Location of internal combustion engines.

(26) No gasoline or other internal combustion engine using highly volatile liquids or inflammable gases shall be installed within fifty feet of the building housing the hoist nor within one hundred feet of the centre line of the collar of any shaft or other entrance to a mine.

Exhaust of internal combustion engine.

(27) Where an internal combustion engine is installed at any mine provisions shall be made for safely conducting the exhaust of such engine to a point well outside the building. The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of any air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings.

Storage of liquid fuels.

(28) Except for the actual fuel tanks of operating equipment no storage of gasoline or liquid fuel shall be permitted within one hundred feet of the collar of a shaft or other entrance of a mine. The natural drainage from such a location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance.

(29) (a) The fuel tanks of any internal combustion engine^{Transfer of liquid fuel.} installed within a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly-jointed pipe or conduit. Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air shall be conducted to a safe point outside the building before being discharged to the atmosphere.

(b) The transfer of liquid fuels from one container to another^{Idem.} by the direct application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose.

(30) (a) Every mine worked from shafts or adits producing^{Stench warning.} over one hundred tons of ore per day and such other mines as may be designated by the Inspector shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the Chief Inspector. Such apparatus shall at all times be made available and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

(b) A test of the effectiveness of the warning and a report as^{Idem.} to the functioning of the system shall be made at least once in each year and a report of such test and functioning made available to the Inspector.

(31) Where practicable, there shall be a sufficient number of^{Fire doors.} fire doors installed underground in every mine to cut off the shaft and/or the mine openings directly associated with it from the other workings of the mine. Where fire doors are installed they shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times.

(32) Where the Chief Inspector deems it necessary or advis-^{Refuge stations within mines.} able for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places within the mine as he may direct and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station.

(33) (a) Where the Chief Inspector deems it necessary or^{Connection between mines.} advisable for the protection of workmen employed underground, he may recommend in writing to the Minister that a connection between mines be established at such place as he deems advisable and he may further recommend that such connection be so made and equipped as to constitute a refuge

station or refuge stations. Upon the approval by the Minister of any such recommendation, a copy thereof, accompanied by a copy of this rule, shall be served personally upon or mailed by registered post to the owner or the agent and the manager of each of the mines affected.

Committee.

(b) Upon the approval of any such recommendation of the Chief Inspector, the Minister may in writing signed by him direct each of the mining companies concerned to appoint a representative to act in their behalf on a committee under the chairmanship of a third party who shall be a mining engineer recommended by the Chief Inspector and appointed to the chairmanship of the committee by the Minister; this committee shall determine,

- (i) the design, specifications and locations of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected,
- (ii) the work to be done by each of the mines affected and the proportion in which the cost of such work and of establishing and maintaining the connection shall be borne by the owners of the mines affected,
- (iii) the time at which such work in compliance herewith shall be commenced and completed,
- (iv) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected,
- (v) such other provisions or requirements as in the premises they may deem necessary or advisable.

Idem.

(c) The committee shall submit a report in writing to the Minister and a report of the majority of the committee shall be deemed to be the finding of the committee.

Idem.

(d) Upon the approval by the Minister of the report of the committee, the Chief Inspector may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any recommended) in accordance with the terms of such report. A copy of the report shall be attached to the order and form a part thereof. No such order shall be subject to appeal upon any ground whatsoever but shall be enforceable in the same manner as any order of the Chief Inspector.

Stretchers
for con-
veyance of
injured
persons.

Aid to Injured.

- (34) At every mine there shall be maintained a sufficient

number of properly constructed stretchers for the proper handling and transporting of persons who may be injured in the discharge of their duties about the mine.

(35) There shall be provided and maintained at every mine for the treatment of anyone injured such first aid supplies as are required by the regulations of *The Workmen's Compensation Act*. First aid supplies.

Handling Water.

(36) Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in such mine or in any adjoining mine. Removal of water from mine workings.

(37) Where there is or may be an accumulation of water, any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of the water. Precautions against flow of water.

(38) A bulkhead or other suitable stop shall be placed in every working shaft to prevent that part of the hoisting conveyance carrying men from being inadvertently lowered into water in the sump of the shaft. Bulkhead in sump.

(39) For the purposes of this rule,—

Dams and bulkheads.

“dam” shall mean any structure built for the purpose of impounding water in any drift, crosscut or other mine opening and constructed in such a manner as to permit an unobstructed overflow of the water;

“bulkhead” shall mean any structure built for the purpose of impounding water or confining air under pressure in any drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening.

(a) The location of every underground dam and bulkhead, within the meaning of this rule, shall be clearly shown on the mine plans.

(b) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

(c)

(c) No bulkhead shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

Ventilation.

Ventilation.

(40) (a) The ventilation in every mine shall be such that the air in all of its workings that are in use or are to be used by workmen or others shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in any such mine. In any mine workings where such conditions cannot be obtained by natural ventilation approved means for mechanical ventilation shall be provided and kept in operation until such workings have been abandoned or until satisfactory natural ventilation shall have been brought about therein.

(b) All fans and all structures containing the same shall be of fireproof construction.

*Internal
combustion
engine
under-
ground.*

(41) (a) No internal combustion engine shall be installed or operated in any shaft or adit or in any working in connection with such shaft or adit, unless permission in writing from the Chief Inspector is first obtained.

(b) No internal combustion engine shall be installed or operated in any clay, sand or gravel pit or in any quarry or other open pit working designated by the Inspector as unsafe for this purpose.

Sanitation.

*Sanitary
conveni-
ences.*

(42) The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following rules:

(a) Where men are employed underground one sanitary convenience shall be provided for every twenty-five persons or portion thereof on any shift.

(b) Where men are employed on surface one sanitary convenience and one urinal shall be provided for every twenty-five persons or portion thereof on any shift.

(c) Where female persons are employed separate toilets with entirely separate entrances from those furnished the men shall be provided. One toilet shall be provided for every fifteen females or portion

thereof on any shift. These rooms shall be clearly marked as to the sex for which they are provided.

(43) (a) Sanitary conveniences underground shall be kept *Idem.* clean and sanitary, shall be conveniently placed with reference to the number of men employed on the different levels and shall be placed in a well ventilated part of the mine and shall be suitably disposed of regularly.

(b) Sanitary conveniences, urinals and toilets on surface shall be kept clean and sanitary.

(44) Any person depositing faeces in any place underground *Idem.* other than in the sanitary conveniences provided shall be guilty of an offence against this Act.

(45) If men are employed underground at any mine or in hot or dusty occupations on surface at any mine or works, sufficient accommodation, including supplies of clean, cold and warm water for washing, shall be provided above ground near the principal entrance of the mine or works for enabling the persons employed to conveniently dry and change their clothes. Such accommodation, unless of fire resistant construction, shall not be nearer than fifty feet to a shafthouse or portalhouse; it shall not be located in an enginehouse or boilerhouse except where a separate, properly constructed room is provided. Dressing room.

Care and Use of Explosives.

(46) Every possible precaution shall be taken in the handling and transportation of explosives. Precaution to be taken.

(47) No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength of the explosive and the date of its manufacture. Marking of explosive packages.

(48) Every case of supposedly defective fuse, detonator or blasting cap, or explosive shall be reported to the Inspector with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, blasting cap or detonator, or explosive, along with all other pertinent information available. Defective explosives to be reported.

(49) Except as otherwise provided herein, all explosives and all detonators or blasting caps shall be stored on surface in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses. Every such building shall be under the direction of the manager or some person authorized by him. Storage of explosives.

- (a) No such building shall be erected or maintained at any mine except with the written permission of an Inspector, nor until the site of the building and the style of structure have been approved by him.
- (b) Such written permission shall state the maximum quantity and kind of explosive that may be stored in the building.
- (c) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and the Inspector shall jointly choose the most suitable location.
- (d) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause.
- (e) The rules in reference to the care and use of explosives shall be kept posted up inside every such building.
- (f) Every such building shall be kept securely locked at all times as the attendant is not present and it shall be clearly indicated by easily visible sign or signs that explosives are stored therein. Such sign or signs shall be posted beside the road approaches to the building at least eight feet above the ground and twenty-five feet distant from the entrance.

Magazines
thaw houses,
etc.

(50) The manager shall depute or cause to be deputed some suitable person or persons whose duty it shall be to keep all magazines, thaw houses, blasting-cap storage buildings, cap and fuse houses, and explosives storage boxes clean and dry and free from grit at all times.

Floors and
shelves.

(51) Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent whenever necessary to remove any traces of explosive substances.

What explo-
sives to be
used first.

(52) When supplies of explosives are removed from a magazine those that have been longest in the magazine shall be used first provided they are not defective. In all cases where explosives have become defective they shall be suitably and safely disposed of.

Opening
cases.

(53) Only implements of wood or fibre shall be used in opening cases containing explosives.

(54) (a) Explosives, including caps and fuse, shall not be stored underground in excess of the necessary underground supply for forty-eight hours. In no case shall an amount exceeding three hundred pounds of powder be stored in any one place underground without the written permission of the Inspector.

Storage of
explosives
under-
ground.

(b) With the written permission of the Inspector and subject to such conditions as he may prescribe, underground explosives magazines may be established, but in no case shall more than five hundred pounds be stored in any one magazine.

(c) Explosives stored underground shall be kept in suitable containers or magazines in suitable locations. In no case shall the explosives be stored in places where there is a possibility of any train or car colliding with the explosives container or containers.

(55) No explosive shall be stored within two hundred feet of any shaft station or transformer station underground in any mine.

Location of
underground
storage
place.

(56) (a) Detonators or blasting caps shall not be stored in the same receptacle or storage building as other explosives.

Storage of
detonators.

(b) Detonators or blasting caps or capped fuse, while stored in underground workings, shall be kept in separate, suitable, closed containers or magazines. Such containers or magazines shall not be located within twenty-five feet of any other explosives.

(57) (a) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives are stored.

Open-flame
lamps, smok-
ing, explo-
sives
storages.

(b) No flame-type light shall be taken within ten feet of any place underground where explosives are stored unless a suitable, safe arrangement for the placing of such light is provided.

(c) No person shall smoke in any place or building where explosives are stored or while handling explosives.

(58) (a) A properly authorized person or persons shall make a thorough weekly inspection of all explosives, explosives magazines, thaw houses, detonator or blasting-cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or detonators or blasting caps and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found.

Inspection
of storage
places.

(b) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives existing and shall make a prompt investigation when an act of careless placing or handling of explosives is discovered by or reported to him.

(c) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act and the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown attorney of the county or district in which the mine is situate.

Disposal of
explosives at
shut-down
mine.

(59) When any mine is closed down all explosives, fuse, detonators and blasting caps shall be disposed of and no explosive may be stored at any such closed-down mine without the written permission of the Chief Inspector.

Written
permission.

(60) No person shall take away from any mine any explosive, fuse or detonator or blasting cap without the written permission of the manager or of such person as may be authorized by the manager to give such permission.

Thawing
houses.

(61) No building for thawing explosives shall be maintained in connection with any mine except with the written permission of an Inspector. The building shall be above ground and the site of the building and the style of the structure and equipment shall be subject to the approval of the Inspector. The quantity of explosive kept in any thawing house at any time shall not exceed the requirements of the mine for a period of twenty-four hours plus the amount that may be necessary to maintain that supply, but the Inspector may give permission in writing to store a quantity not in excess of the permitted capacity of the building if, in his opinion, the heating equipment is such that the temperature can be controlled within approved safe limits.

Thermo-
meter in
thawing
house.

(62) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but where the amount of explosives in such thawing room does not exceed two hundred pounds at any one time, the Inspector may give permission in writing to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperatures be made and kept on file for at least one year. All records shall be made available to the Inspector.

Prohibition.

(63) In no case shall powder be thawed near an open fire or steam boiler or by direct contact with steam or hot water.

(64) (a) When the day's supply of explosives is being transported in any shaft conveyance the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman. Transportation of explosives in shaft.

(b) No person shall place in, have while in, or take out of the shaft conveyance any explosives except under the immediate supervision of a person authorized by the manager, superintendent, foreman or shift boss for the purpose.

(c) No other material shall be transported with explosives in any shaft conveyance.

(65) (a) The transfer of explosives from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives leave such surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine. Transfer of explosives from storage places.

(b) Explosives shall not be left at any level station or near the shaft collar or other entrance to the mine but shall be transferred from any designated storage place to other designated storage places or points of use without undue delay.

(66) (a) Primers shall be made up as near to their point of use as is practical in the interests of safety and only in sufficient numbers for the immediate work in hand. Transportation of detonators.

(b) Detonators or blasting caps, capped fuse, made-up primers or other explosives shall not be transported in any conveyance either on the surface or underground unless placed in separate, suitable, closed containers.

(c) It shall be permissible for a workman to carry capped fuses with other explosives from the nearest storage places to a point of use without placing them in a container provided they are kept separate from the other explosives, but in no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers.

(67) (a) Where explosives are transported in mine workings by means of a car or cars, the speed of any car or cars shall not at any time exceed four miles per hour and definite arrangements for the right-of-way of such car or cars carrying explosives shall be made before the car or cars are moved. Transportation of explosives underground;

(b) Where mechanical haulage is used the haulage locomotive shall be maintained on the forward end of the train carrying explosives unless some person walk in advance of the train to effectively guard the same. The car or cars carrying by motor haulage;

explosives shall be separated from the locomotive by an empty car or a spacer of equivalent length; in no case shall explosives be carried on the haulage locomotive.

by trolley locomotive.

(c) Where a trolley locomotive is used for the transportation of explosives in any mine the car or cars carrying explosives shall be protected from trolley-wire contact and other existing hazards.

Blasting on contiguous claims.

(68) Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

Explosives not to be removed from original container.

(69) No explosive shall be removed from its original paper container or cartridge.

Blasting of roast heaps.

(70) No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

Size of drill holes.

(71) All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.

No iron or steel tool.

(72) In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives.

Procedure before drilling.

(73) (a) Before drilling is commenced in any working place the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Bootleg holes.

(b) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole.

(c) No drilling shall be done within five feet of any hole containing explosives.

Due warning required.

(74) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire" and shall satisfy himself that all persons have left the working place or the vicinity except those required to assist him in blasting and guarding.

Guarding entrances where blasting is done.

(75) (a) Every workman shall, before blasting, cause all

entrances or approaches to the place or places where such blasting is to be done or where the safety of persons may be endangered by such blasting, to be effectively guarded so as to prevent inadvertent access to such place or places while such charges are being blasted.

(b) Posting of signs shall not be deemed adequate protection to warn of blasting operations.

(76) Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner, and such point of connection shall be guarded as an entry when blasting within fifteen feet of breaking through to mine workings.

(77) Except where fired electrically, no fuse shorter than three feet shall be used in any blasting operation, nor shall any fuse be lighted at a point closer than three feet from the capped end. Length of fuse.

(78) (a) Except where firing has been done by means of electric current, no blaster or other person shall leave or be permitted to leave his place of refuge from the blast and return to the scene of any blast within the number of minutes which are equal to twice the number of feet in the longest fuse used in the blasting operation. This time shall be calculated from the time when the last shot is heard. Interval before return to scene of blast.

(b) Where the firing has been done by means of electric delay-action detonators and two or more shots have been fired, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within ten minutes of the time at which the blasting circuit is closed.

(c) In the case of a supposed misfire or missed hole in any blasting operation no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within thirty minutes of the time he has reached his place of refuge after the lighting of the fuse or fuses or the closing of the blasting circuit.

(79) No hole shall be charged with explosives unless a properly prepared detonating agent be placed in such charge and shall be fired in its proper sequence in the firing of the round. Detonator required.

(80) (a) All holes which are charged with explosives in one loading operation shall be fired in one blasting operation. Firing required

(b) Any hole or holes that have been charged with explosives, or any explosive charge that has been set shall not be left unfired but shall be fired at the time for blasting required by the approved practice of the mine.

Safety fuse.

(81) Where safety fuse is used in any blasting operation,—

(a) suitably capped fuses shall be supplied to the workmen in uniform, standard, safe lengths for the operation at hand;

(b) the uncapped ends of all fuses for use in a mine shall be suitably stained.

Lighting fuses.

(82) In every case where more than one shot is to be fired the fuse connected to a charge of explosives shall be lighted with a suitably timed spitting device.

Number of men, lights.

(83) Where more than one shot is fired no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen. Each workman shall carry a light unless the blasting operation is conducted on surface in daylight, or under artificial light.

Ventilation of working places after blasting.

(84) Before returning to the scene of any blasting operation every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation.

Protection of entrance to working place.

(85) Where blasting is done in any raise or stope proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast by the broken material produced by the blast. In the case of a single-compartment raise or box-hole where material from the blast may block the means of entrance proper precautions shall be taken to assure the adequate ventilation of the working place before workmen enter the same.

Reporting of missed holes.

(86) When a workman fires a round of holes he shall, where possible, count the number of shots exploding. If there is any report missing he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them.

Missed hole to be blasted.

(87) Any charge which has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay.

(88) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round shall have been cleared from the face and the whole face of the heading examined for explosives in missed or cut-off holes. Examination of missed or cut-off hole.

(89) (a) After the first ten feet of advance has been made in any shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done all blasting in the shaft, winze, station or other workings being driven from the same shall be done by means of an electric current. Where electric blasting required.

(b) In any raise, inclined at over fifty degrees from the horizontal, after twenty-five feet of advance has been made, or in any raise where free escape is not assured at all times, all blasting shall be done by means of an electric current.

(90) A workman shall not, where blasting is done by electricity, enter or allow other persons to enter the place or places where the charges have been fired until he has disconnected and short-circuited the firing cables or wires from the blasting machine or portable direct-current battery or has assured himself that the switch of the approved blasting switch is open, the firing cables or wires short-circuited and the blasting box locked. Electric current to be disconnected after blasting.

(91) Unless permission in writing is first obtained from the Chief Inspector, with approval of the proposed arrangements necessary for special cases,— Approved firing device.

(a) when electricity from lighting or power cables is used for firing shots a fixed device of a design certified by the Electrical Inspector of Mines as meeting the requirements of rule 379 of this section shall be used.

(b) one such device shall be maintained for each individual working place in which firing is done by means of electricity from lighting or power cables.

(92) Where the source of current is a portable direct-current battery or a blasting machine the firing cables or wires shall not be connected to the source of current until immediately before they are required for firing the shots and shall be disconnected immediately after the connection has been made or the machine operated for firing the shots. Blasting by direct current or blasting machine.

(93) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables. This short circuit shall not be removed until the men have retreated from Lead wires short-circuited.

the face and it shall be so located that a premature explosion would be harmless to the men opening the short circuit. The short circuit shall be replaced immediately after the cables have been disconnected from the blasting machine or the blasting switch has been opened.

Firing
cables.

(94) The firing cables or wires used for firing shots at one working place shall not be used for firing shots in another working place until all proper precautions have been taken to insure that such firing cables or wires have not any connection with the leads from the first working place.

Precautions
in using
firing cables.

(95) When firing cables or wires are used in the vicinity of power and lighting cables the blaster shall take proper precautions to prevent the firing cables or wires coming in contact with the lighting or power cables.

Protection in Working Places, Shafts, Winzes, Raises, etc.

Protection
from over-
head
operations.

(96) Neither on surface nor underground shall workmen be employed in a location where men are working overhead unless such measures for protection be taken as the nature of the work permits.

Protective
hat.

(97) A protective hat, manufactured for such service, shall be worn by every person employed,—

(a) underground in any mine;

(b) in any location in a pit or quarry designated by the Inspector.

Fencing of
shafts and
other open-
ings.

(98) The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected.

Gate at
shaft
entrances.

(99) (a) At all shaft and winze openings on the surface and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level. The clearance beneath any such gate shall be kept to a minimum.

(b) Where haulage tracks lead up to any hoisting compartment on surface or underground the gate on such compartment shall be reinforced in such a manner that it shall be sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks.

(100) Every shaft and winze shall be properly timbered and during sinking operations the timbering shall be maintained within a safe distance of the bottom. In no case shall the distance exceed fifty feet. Shaft and winze timbering.

(a) The guides, guide attachments and shaft timber shall be of sufficient strength and shall be suitably designed, installed and maintained so that the safety catches referred to in clause *d* of rule 231 of this section may grip the guides properly at any point in the shaft.

(101) There shall be provided a safe passageway and standing room for workmen outside of the shaft at all mine workings opening into the shaft and the manway shall in all cases be directly connected with such openings. Protection at shaft stations.

(102) (a) During shaft-sinking operations no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position be protected from the danger of falling material by a securely constructed covering extending over a sufficient portion of the shaft to afford complete protection. Protection in sinking operations.

(b) Open hooks shall not be used in conjunction with the suspension of any shaft staging.

(c) During shaft-sinking operations a set of doors to cover the sinking compartments shall be maintained at the collar or other point of service of every shaft or winze. Such doors shall be closed at all times that material is being loaded into or unloaded from a shaft conveyance at the point of service.

(103) Except during sinking operations, if material be handled in any shaft or winze compartment there shall be maintained around that compartment, except on the side on which the material is to be loaded or unloaded, a substantial partition at the collar and at all levels. Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet. Lining compartments at levels.

(104) Wherever a counterweight is used in a shaft or winze it shall operate in a separate and safely enclosed compartment. Counter-weight compartment.

(105) (a) No person shall do any work or conduct any examination in any compartment of a shaft or winze or in that part of the headframe used in conjunction therewith while Protection on shaft inspection.

hoisting operations other than those necessary for doing such work or conducting such examination are in progress in such compartment.

(b) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he be adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling objects accidentally dislodged.

Timbering
mine
workings.

(106) Where the enclosing rocks are not safe every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure.

Use of shaft
buckets.

(107) Where a bucket is used in any shaft or winze for other than sinking purposes,—

(a) a set of doors as required by clause *c* of rule 139 of this section shall be required at the collar and every point of service of the shaft or winze;

(b) a suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;

(c) simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels has been submitted to and has received the approval of the Inspector.

Steeply
inclined
raises.

(108) All raises inclined at over fifty degrees from the horizontal which are to be driven more than sixty feet slope distance shall be divided into at least two compartments one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet.

Precautions
as to broken
material.

(109) Whenever, at any time, chutes are pulled where persons are working or may enter at the time of pulling the pulling area shall be marked by signs or the persons working in the vicinity shall be notified and as pulling proceeds proper precautions shall be taken to ascertain that the broken material is settling freely. When there is any indication of a hang up the location shall be adequately protected by suitable signs or barricades.

(110) Unless the entrance to a stope is capable of being used as such at all times a second means of entrance shall be provided and maintained. Access to stopes.

(111) The top of every mill hole, manway or other opening shall be kept covered or otherwise adequately protected. Guarding mill holes, manways, etc.

(112) Wherever men are working below a level in any place the top of which is open to the level in close proximity to any haulageway or travelway some person shall effectively guard the opening unless the same is securely covered over or otherwise closed off from the haulageway or travelway. Guarding open workings.

(113) The tops of all raises or other openings to a level shall be kept securely covered, fenced off, or protected by suitable barricades to prevent inadvertent access thereto. Guarding tops of raises.

(114) (a) Underground workings which have been in disuse for some time shall be examined before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are in fit state to work or travel in. Unused workings to be tested for gas.

(b) When an inflammable gas in dangerous concentrations has been found to exist in any mine working such workings or parts of such workings concerned shall immediately be considered as a Fire Hazard Area and every precaution shall be taken while clearing the area or doing any work therein to prevent ignition of the gas and these precautions shall be continued as long as the hazard exists. When inflammable gas encountered in mine.

(115) The owner, manager, or some authorized person or persons shall examine daily all parts of the mine where drilling and blasting is being carried on; shall examine at least once a week the other portions of a mine in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, crosscuts and raises, in order to ascertain that they are in a safe working condition; shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. Examination of mine workings.

(116) The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it shall be to make an inspection of the shaft at least once each week, and in addition a thorough examination shall be made at least once each month of the guides, timber, walls and hoisting compartments generally of the shaft and a record of such inspection and examination shall be made in the Shaft Inspection Record Book by the person making the examination. Shaft inspection.

Shaft Inspection Record Book to be kept.

- (a) Such owner or manager shall keep or cause to be kept at the mine a book for each shaft termed the Shaft Inspection Record Book in which shall be recorded a report of every such examination as is referred to in this rule signed by the person making the examination.
- (b) Such entries of examinations shall be read and initialled every week by the responsible person in charge of the maintenance of the shaft.
- (c) A notation shall be made of any dangerous condition reported and the action taken regarding it over the signature of the responsible person in charge of the maintenance of the shaft.
- (d) The Shaft Inspection Record Book shall be made available to the Inspector at all times.

Scaling bars and gads.

- (117) The owner or manager shall provide and maintain an adequate supply of properly dressed scaling bars and gads and other equipment necessary for scaling.

Life lines to be used.

- (118) The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines at all times, when by so doing the interests of safety will be advanced.

Keeping water supply to lay dust.

- (119) Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.

Time for blasting.

- (120) The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke.

Written record.

- (121) Where there is non-continuous shift operation in mine areas the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the oncoming shift before workmen are permitted to resume operations in the areas indicated in such record.

Check-in, check-out systems.

- (122) At every mine where persons are employed underground a suitable system shall be established and maintained to check in persons who have gone underground and check out such persons as having returned to surface and it shall be the duty of such persons to check in and check out in accordance with such system.

(123) Where repair work is in progress in any manway or conditions arise that may endanger travel through such manway the manway shall be closed off or adequate signs designating the unfitness of such manway for travel purposes shall be posted at all entrances to such manway. Signs designating repair work.

(124) (a) Diamond-drill holes shall be plotted on all working plans of levels. Diamond-drill holes.

(b) When any active mine heading is advancing toward any diamond-drill hole the collar or the nearest points of intersection of such hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of such hole.

(c) The collar and any points of intersection of every diamond-drill hole, underground, shall be plainly marked at the time that drilling is discontinued or an intersection made. Such marking shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches which shall be placed within four feet of such collar or intersection.

Ladderways.

(125) (a) A suitable footway or ladderway shall be provided in every shaft and winze. Ladderways in shafts and winzes.

(b) In shafts and winzes no ladder except an auxiliary ladder used in sinking operations shall be installed in a vertical position.

(c) During sinking operations, if a ladder be not maintained to the bottom, an auxiliary ladder which will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working.

(d) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein suitable ladderways or stairways and platforms shall be maintained to permit such work being carried out in a safe manner.

(126) The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material is hoisted by a suitable and tightly closed partition. Partition between manway and hoisting compartments.

(127) (a) In a shaft or winze inclined at over seventy degrees from the horizontal or in a headframe used in conjunction with such shaft or winze substantial platforms shall be built Ladderway in shaft, over 70 degrees;

at intervals not exceeding twenty-one feet in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform.

under
70 degrees.

(b) In a shaft or winze inclined at less than seventy degrees from the horizontal or in a headframe used in conjunction with such shaft or winze the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body.

When
stairway
permissible.

(128) (a) Stairways may be used in a shaft or winze inclined at less than fifty degrees from the horizontal.

Hand-rail.

(b) All stairways in shafts and winzes shall be equipped with a suitably-placed hand-rail.

Ladderways,
other mine
workings.

(129) (a) All ladderways in raises, stopes and other manways of a mine shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom.

(b) A landing platform shall be installed at all points where ladders are off-set.

Wire rope
ladders.

(130) Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes in any mine if they are frayed or have projecting broken wires.

Hand-rails
for ladders.

(131) Every ladder shall project at least three feet above its platform, except where strong hand-rails are provided.

Ladders.

Ladders.

(132) (a) Every ladder used at a mine shall be of strong construction, shall be securely placed and shall be maintained in good repair.

(b) The distance between centres of rungs of ladders shall not be greater than twelve inches or less than ten inches and the spacing of rungs shall not vary more than one-half inch in any particular ladderway.

(c) In order to give a proper foothold the rungs shall in no case be closer than four inches from the wall of a shaft, winze, or raise, or any timber underneath the ladder.

Shaft Hoisting Practice.

Raising and
lowering
material.

(133) Where steel, timber or other material is being raised or lowered in any shaft conveyance such material shall be

loaded in such a manner as to prevent it from shifting its position, and if necessary it shall be secured to the conveyance. When such material projects above the sides of the conveyance it shall be securely fastened to the conveyance or lashed to the hoisting rope in such a manner as not to damage the rope.

(134) When a crosshead is not used in any vertical shaft or winze the compartment in which the bucket works shall be closely lined with sized lumber.

Compartment to be lined when crosshead not used.

(135) In a shaft or winze, in the course of sinking, the bucket or skip shall be filled only in such a manner that no piece of loose rock shall project above the level of the brim.

Level of load in sinking bucket or skip.

(136) (a) During sinking operations in any shaft or winze the bucket or skip used for returning men to the working place following any blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination and in no case shall the point be less than fifty feet above the blasting set or bulkhead.

Lowering men after blast.

(b) The bucket or skip shall be lowered from such point only on signal from the men accompanying the same and at such speed as to be fully under control, by signal, of such men.

(c) Only sufficient men shall be carried on such trip as are required to properly conduct a careful examination of the shaft or winze.

(137) In a shaft or winze, in the course of sinking, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower the same has been given by a properly authorized person.

Bucket or skip not to be lowered directly to face.

(138) No bucket shall be allowed to leave the top or bottom of any shaft or winze until the workman in charge thereof has steadied it or caused it to be steadied.

Bucket to be steadied.

(139) (a) In a shaft or winze, in the course of sinking, adequate provision shall be made and maintained to assure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage falling into the shaft or winze.

Protection from dumping.

(b) The design of any device for this purpose shall be submitted for the approval of the Mechanical Inspector before such device is installed.

(c) A door or doors to cover the sinking compartments shall be maintained at the collar of every shaft or winze while sinking is in progress. Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket or skip at the collar of the shaft, except when the bucket or skip is unloaded by dumping arrangements as provided in clauses *a* and *b* of this rule.

Cage or skip
for hand-
ling men.

(140) Except during sinking operations, whenever a mine shaft or winze exceeds three hundred feet in vertical depth a suitable cage or skip, equipped as required by rule 231 of this section, shall be provided for lowering or raising men in the shaft or winze.

Cage doors
to be closed.

(141) (a) No person shall travel or be permitted to travel in a cage at any time except during shaft inspection unless the doors of the same are securely closed.

(b) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, provided that in the case of an inadvertent stop at any point in the shaft or winze other than a station, the cage doors may be opened and the men may leave the same on instructions to do so by a properly authorized person.

Operation of
chairs.

(142) (a) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, except when hoisting in balance from that point, such chairs shall not be put into operation unless the proper chairing signal has been given to the hoistman.

(b) Chairs shall not be used when men are handled.

Hoisting
men and
material
simultane-
ously.

(143) No person shall travel or be permitted to travel in a bucket, cage or skip operated by a hoist which is being simultaneously used for the hoisting of mineral or material, except as provided for in clause *c* of rule 144.

When
persons not
to be
hoisted.

(144) No person shall be lowered or hoisted or allow himself to be lowered or hoisted in a shaft, winze or other underground opening of a mine,—

In buckets
or skips.

(a) in a bucket or skip, except that men employed in shaft sinking will be allowed to ascend and descend to and from the sinking deck or other place of safety and that men employed in shaft inspection and maintenance may be hoisted and lowered in the shaft by means of such conveyances;

- (b) in a cage or skip which does not meet the requirements of rules 230, 231 and 233, except as provided for in clause *a* of this rule or rule 232; When safety appliances not used.
- (c) in a cage, skip or bucket that is loaded with powder, steel, timber or other materials or equipment, except when the presence of such person is necessary for the purpose of handling the same; When loaded.
- (d) in a cage, skip or bucket carrying powder, steel, equipment or material, unless the same is adequately secured. Nothing in this clause shall prohibit men from carrying personal hand tools or equipment approved by the District Inspector in a conveyance, provided that the same are properly protected with guards and the conveyance is not overcrowded; Unless material secured.
- (e) except during shaft-sinking operations or shaft inspection and maintenance operations, in any shaft conveyance, unless such shaft conveyance is in charge of a person properly authorized to act as cagetender or skiptender. Conveyance in charge of authorized persons.

(145) No person shall enter or be allowed to enter a shaft conveyance or work upon or under a shaft conveyance when the corresponding drum of the hoist is unclutched, unless such conveyance is first secured in position by chairing or blocking, except that this shall not apply to shaft sinking. Use of conveyance if drum unclutched.

(146) For the purpose of this rule "authorized maximum load of men" shall mean the total weight of men permitted by the District Inspector to ride at any time in the shaft conveyance. "Maximum allowable weight" shall mean the maximum weight permitted by this Act to be attached to the rope in service or the maximum weight attached to the rope that the hoist is capable of handling, whichever is the lesser. The weight the hoist is capable of handling shall be that set out in the manufacturer's specifications or approved by an independent competent mine hoist design engineer. Permissible loading of shaft conveyance.

- (a) In case a hoisting rope is used for the raising and lowering of both men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized maximum load of men, shall not exceed eighty-five per centum of the maximum allowable weight when the rope is in use for other purposes; and the owner or manager shall obtain from the District Inspector of Mines resident in the district a certificate in writing setting out the maximum loads of both men and materials which may be carried in the shaft conveyance before men are so carried.

- (b) The District Inspector of Mines may issue the certificate referred to in clause *a* if he is satisfied that the hoisting installation and signalling equipment meet the requirements of this Act.

Signals.

Signal system.

(147) Every working shaft shall be provided with some suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck.

Separate signal for each compartment.

(148) A separate, audible signal system shall be installed for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the signals to the hoistman that they are easily distinguishable.

Return signal.

(149) Where an electrical signal system is installed the hoistman shall return the signal to the person giving the signal when men are about to be hoisted or lowered.

Special devices, permission for.

(150) No device for signalling to or communicating with the hoistman shall be installed or operated in or on any shaft conveyance without the written permission of the Chief Inspector.

Cage call system.

(151) No cage call system communicating with the hoist-room shall be installed or used at any shaft or winze

Code of signals.

(152) (*a*) The following code of signals shall be used at every mine and a copy of such code shall be printed and kept posted in every hoist room and at every level or other recognized landing place in every working shaft or winze:

1 bell Stop immediately—if in motion (Executive Signal).

1 bell Hoist (Executive Signal).

2 bells Lower (Executive Signal).

3 bells Men about to ascend or descend (Cautionary Signal). This signal shall be given by the cagetender before men are permitted to enter the hoisting conveyance. It shall also be given in case a stop has been made at a level and men on the conveyance are to be raised or lowered to another level. Where a return-bell signal system is installed the hoistman shall return the 3-bell signal before men are permitted to enter the conveyance or are raised or lowered.

4 bells.....Blasting Signal. Hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells.....Release Signal (Release and Executive Signal). The hoistman may act at his own discretion to perform any movement, or series of movements, involving the conveyance or conveyances designated by the directionary signals referred to in clauses *a* and *b* of rule 154. Where a return-signal system is installed the hoistman shall return the signals and may then act at his own discretion. On the completion of the necessary movements he shall not move the hoist again until he has received a new signal.

9 bells.....Danger Signal (Special Cautionary and Executive Signal). To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of the danger signal.

The following method and order shall be observed in giving signals:

1. Strokes on the bell shall be made at regular intervals.
2. Signals shall be given in the order designated: 1st, cautionary signals; 2nd, directionary signals; 3rd, executive signals.

(*b*) The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are carried. In case he is unable to act within one minute of the time he has received any complete signal he shall not move the hoisting conveyance until he has again received another complete signal.

(*c*) After a hoistman has received a 3-bell signal he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement. After he has commenced the movement he shall complete it without interruption, unless he receives a stop signal or in case of great emergency.

Hoistman
to remain
at controls.

(153) (a) The hoistman shall remain at the hoist controls at all times the hoist is in motion.

(b) Except in case of emergency, no one shall speak to the hoistman while the hoist is in motion and a sign to this effect plainly visible to anyone approaching the hoist controls shall be kept posted at all times.

Special
signals.

(154) (a) At every mine other signals termed directionary signals in conjunction with the code referred to in clause *a* of rule 152 shall be used to designate all regular stopping points. Special signals shall be used to designate all special hoisting movements. All such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall be approved by the Chief Inspector.

(b) Such directionary signals and other special signals approved for use at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of such shaft or winze.

Signal
required.

(155) Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that in event of an inadvertent stop at some point in the shaft or winze other than at a station from which a signal may be given the hoistman may move the conveyance when he has assured himself that the hoist controls are in proper working order and when hoisting or lowering men he has received instruction from a properly authorized person.

Only
authorized
person to
give signal.

(156) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements.

Notice to be
posted.

(157) (a) A notice showing clearly the number of persons allowed to ride on and the weight of materials allowed to be loaded on the conveyance, as referred to in clause *a* of rule 146, shall be posted and maintained at the collar of the shaft or winze.

(b) The person authorized to give signals will be held responsible for observance of such notice.

Open lights,
discipline.

(158) (a) When persons are being hoisted or lowered in any cage or skip no person other than the cagetender or skip-tender shall have a burning open-flame lamp of any kind except that for shaft inspection or similar purposes a sufficient number of lighted lamps shall be permitted.

(b) At all times that men are being hoisted or lowered in any cage or skip there shall be maintained a proper discipline of persons riding on such cage or skip.

(c) No person shall offer obstruction to the enforcement of the requirements re loading on conveyances, as provided for by clause *a* of rule 157, or to this rule.

Haulage.

(159) (a) The whistle, bell, gong or horn with which a ^{Warning} locomotive engine, trolley or motor car is equipped shall be sounded when starting and at such other times as warning of danger is required. ^{equipment.}

(b) In mechanical haulage underground a suitable tail-light shall be used in conjunction with made-up trains.

(160) No person shall ride upon or against any car in any level, drift or tunnel in or about a mine. In mechanical ^{Riding on} haulage this shall not apply to train crews or to persons being transported on approved passenger cars especially provided for that purpose during special trips for men only. ^{cars, etc.}

(161) On every level on which mechanical haulage is employed a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every one hundred feet. Such safety stations shall be plainly marked. ^{Clearance.}

(162) No electric haulage locomotive shall be left standing unattended unless the brakes have been set and the control lever placed in the neutral position. In the case of a storage-battery haulage locomotive the main switch shall also be placed in a non-operating position. ^{Unattended locomotive.}

Protection from Machinery.

(163) Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith. ^{Fly-wheel, geared-wheel, etc.}

(164) Every key, bolt, set-screw, and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith. ^{Uneven projections to be covered.}

(165) Every power-driven grinding wheel shall be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard shall be adjusted close to the wheel and extended forward, over the top of the wheel, ^{Grinding wheels to be guarded.}

to a point at least thirty degrees beyond a vertical line drawn through the centre of the wheel.

Wearing
loose
clothing.

(166) Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing.

Runway to
have hand-
railing.

(167) Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing.

Protection
of entrance.

(168) Every entrance to any elevator, hatchway, or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate.

Counter-
weights.

(169) Every counterweight shall be so situated or guarded that injury to any person would not be probable should it become detached from its fastenings.

Frogs on
tracks.

(170) Every switch in a track either above or below ground on which cars are moved by mechanical power shall have the frog provided with a guard-block of wood or iron if its construction is not such that the hazard of a man's catching his foot in it is reduced to a minimum.

Belts,
conveyors.

(171) Under no circumstances shall any person ride on any conveyor or belt.

Clay, Sand, and Gravel Pits and Quarries.

Undermining
forbidden.

(172) In workings of clay, sand, and gravel or other types of unconsolidated material the method of removing material by undermining shall not be allowed. No working place shall have a vertical height of more than ten feet, unless the material is at a suitable angle to ensure safety. Where the thickness of the material exceeds ten feet in vertical depth, the work shall be done in terraces or at a suitable angle to ensure safety. These rules shall not apply where the material is excavated and loaded solely by suitable mechanical equipment which does not expose the operator of such equipment to danger or which does not necessitate workmen working in a hazardous position at the toe of the face.

Height
of face.

(173) Unless permission in writing is first obtained from the Chief Inspector, all open cut (cast) operations (workings) over sixty-five feet in depth shall be worked in benches not more than sixty-five feet high; due precautions shall be taken to maintain the walls and benches in a safe working condition and no working face shall be advanced by undercutting, except where a tunnelling method is used. These rules shall not apply where men do not work below the bench or where broken material is loaded solely by suitable mechanical devices.

(174) In all open pit workings all unconsolidated materials such as clay, earth, sand, gravel and loose rock lying within six feet from the rim of the pit shall be removed. Beyond this strip all overburden shall be sloped to an angle less than its natural angle of repose. Stripping overburden.

(175) No person shall be permitted to work near the pit wall until such wall has been examined by the pit foreman in charge of the crew. If the wall is found unsafe he shall have all hazards removed before permitting any other work. Examination of wall.

(176) It shall be the duty of each man engaged in work on the wall of the pit at such operations as barring loose material, scaling and cleaning to continually wear a life line. This life line shall be securely snubbed above the working place and shall be under the supervision of a snubtender, or the line may be held taut by one or more fellow workmen. Snubbing of life lines.

(177) No person shall be hoisted or allow himself to be hoisted or lowered by means of any hoist or derrick at a pit or quarry unless permission is first obtained in writing from the Chief Inspector. Under no circumstances shall any person ride on any conveyor or belt. Regular hoisting of men prohibited.

(178) Where a load is being hoisted or lowered by means of a hoist or derrick at a pit or quarry the signalman shall notify all persons in the vicinity to retire to a place of safety until the load has cleared the danger zone. Signalman to clear area.

(179) An effective block automatic derail or safety switch shall be provided at the top of each inclined place to prevent cars accidentally running down. Such installation, however, is not required where the skip or car remains on the hoisting cable. Derail at top of incline.

(180) All tracks shall be maintained in good working condition. Track condition.

(181) Unless the movement of the hoisting conveyance is visible to the hoistman at all times, a suitable signal system shall be installed and maintained and suitable signals, approved by the Inspector, shall be used. Hoisting signals.

(182) (a) At every pit or quarry there shall be provided and maintained in good working condition a suitable travelling way leading from the working level of the pit or quarry to the surface. Travelling ways.

(b) Where the travelling way is inclined at more than thirty degrees and less than fifty degrees to the horizontal stairways or ladders shall be provided.

(c) All stairways shall be equipped with substantial and suitably placed hand-rails.

(d) Where the travelling way is inclined at more than fifty degrees to the horizontal ladders shall be used. Substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and at all places where the ladders are off-set.

(e) No ladder shall be installed at an inclination of more than seventy degrees to the horizontal.

Safe working
conditions
about
machinery.

(183) Adequate lighting, safe footing and sufficient room shall be provided for all workmen who are required to work near or about machinery.

Crushing Plants, Mills and Metallurgical Works.

Antidotes
and washes.

(184) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced there shall be kept in a conspicuous place, as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled and explicit directions for their use affixed to the boxes containing them.

Removal
of dust.

(185) In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health suitable apparatus shall be installed for its removal.

Poisonous
vapours.

(186) In every mill or plant where poisonous vapours or gases exist or may be formed suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same.

Storage of
acids,
poisons.

(187) Due provisions shall be made at all plants where acids or poisonous compounds are used to reduce to a minimum the hazards of storing and handling such materials.

Transfer of
liquids by
compressed
air.

(188) The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose.

Life lines
for work
in bins.

(189) No person shall enter or be allowed to enter any storage bin from which material is drawn off at the bottom while material is stored therein, unless a second person is in constant attendance and suitable precautions are taken against the danger of caving material. The owner or manager shall,

when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines when, by so doing, the interests of safety are advanced.

(190) Where, in the opinion of the inspector, the use of ^{Bin platforms.} working platforms in or at bins is deemed advisable, they shall be provided, used, and maintained in a safe working condition.

(191) Guard-rails shall be placed at the approach to tracks ^{Guard-rails at track approaches.} on surface where mechanical haulage is used, where the view of such tracks is obstructed in one or both directions. Where restricted clearances make the use of guard-rails impractical, in the opinion of the Inspector, he may permit such guard-rails to be omitted, but shall require that there shall be installed at such track approaches a suitable type of warning signal which will automatically give adequate audible and visible warning at all times of the approach of the conveyance, or that a switchman shall walk ahead of the leading conveyance on the track when the conveyance is in dangerous proximity to the area requiring guarding and stand guard at such approaches.

(192) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them ^{Shields for protection against burning.} as far as possible against being burned with molten metal or other material. It shall be the duty of all workmen to use such shields and appliances.

(193) Before any person or persons are allowed to work on ^{Inspection of stock pile.} stock piles of ore, limestone, coke or other material the stock piles shall be inspected by some authorized person whose duty it shall be to see that they are in a safe working condition.

(194) No person under the age of eighteen years shall be allowed to operate any elevator or power-driven crane. ^{Age, elevator and crane operators.}

(195) No person other than the operator shall be permitted ^{Riding prohibited.} to ride on any crane or part thereof or on any material carried by such crane, except for inspection, supervision, maintenance and repair, or instruction of a new operator.

(196) Each scale car shall be provided with an audible ^{Scale cars.} warning alarm which shall be sounded by the operator each time a car is started, or each car shall be equipped with an automatic mechanical warning alarm which will sound when the car is moved.

(197) Every ladle or slag pot shall be examined before ^{Examination of moulds, etc.} molten material is placed therein. Every effort shall be made to prevent molten material from coming in accidental contact

with cold, damp or rusty surfaces where such contact may cause an explosion.

Filling of
moulds, etc.

(198) When molten material is transported by mechanical means in ladles or slag pots and the safety of persons may be endangered from splashing, every effort shall be made to ensure that such ladles or slag pots are not filled above a point four inches from the top of the vessel. If this limit is exceeded such ladle or slag pot shall not be moved until the foreman or other responsible person has warned the workmen required to handle such ladle or slag pot of this condition and has warned all persons in the vicinity.

Warning
devices.

(199) Every crane operated from a cab mounted on the crane shall be equipped with a whistle, bell, gong or horn which shall be sounded at such times as it may be necessary to give warning of the approach of the crane to places where men are working or are liable to pass.

Overwind
devices.

(200) Every crane shall be equipped with suitable devices to prevent overwinding.

Daily
examination
of cranes.

(201) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. A record of such examination shall be kept, signed by the person making the examination and such record shall be available to the Inspector at all times.

Folding
gates.

(202) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least five feet six inches in height. All folding gates over three feet wide shall have top, bottom and centre braces.

Interlocks.

(203) Every gate or door opening to an elevator hoistway shall be so controlled by an interlocking device that the elevator cannot be moved unless the door or gate is properly closed and that the door or gate cannot be opened unless the elevator car is in the proper landing position at the floor or landing place.

Lighting.

(204) Every hoistway landing place shall be adequately lighted.

Guarding
hoistway.

(205) When a hoistway is not enclosed in walls, access to the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet.

Guide rails.

(206) All guide rails for cars and counterweights shall be of substantial construction, and shall be securely fastened to the

sides of the hoistway, and the bottom ends shall rest on a secure foundation, and be firmly fixed in that position.

(207) At every elevator, other than an approved auto-^{Clearance for car.} matically-controlled passenger elevator, a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing.

(208) Every elevator shall be provided with automatic^{Automatic safety devices.} devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding.

(209) All counterweights shall have their sections strongly^{Protecting counterweights.} bolted together and shall be so situated that they cannot fall on any part of the elevator or machinery, and shall be suspended in guides in such a manner that they will run freely without danger of being detached.

(210) Every elevator on which any person travels shall be^{Protection on elevator.} provided with side casing, and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing.

(211) Every elevator on which any person travels shall be^{Safety catches.} provided with efficient safety catches capable of holding the elevator and the maximum load in any position in the hoistway. When the safety catches are operated through shafts all the levers and safety catches shall be keyed to the shafts.

(212) For every elevator on which any person travels,^{Signalling devices.} other than an elevator equipped with approved controls for automatic operation, there shall be provided at every floor or landing place suitable devices to signal to the elevator car operator.

(213) Where mechanical haulage is used on surface and the^{Side clearance.} clearance between the sides of conveyances on parallel tracks or between the sides of conveyances and the side of any building or other structure is less than eighteen inches, such location shall be plainly marked showing the danger.

(214) At the approach to overhead bridges, pipe lines, or^{Overhead clearance.} similar structure on a standard-gauge railway track, where the clearance is less than six feet between the top of any railway

car and the underside of the structure, a "low bridge" warning device shall be installed.

Life lines.

(215) Life lines and belts in good order shall be provided and kept in some secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by any workman whose duties require him to work in an atmosphere which is liable to become dangerous by reason of the presence of noxious gases.

Blast Furnaces.

Ventilation.

(216) At all furnaces of the hand-filled type the room at the furnace top where workmen are engaged shall be adequately ventilated, and there shall be provided and maintained in good order a stairway equipped with hand-rail, from the top of the furnace to the ground level below, affording a safe means of exit in case of danger from any cause.

Protecting workmen.

(217) Whenever it becomes necessary for a workman or workmen to go above the casting floor he or they shall notify the foreman or other responsible persons, who shall see that there is always a workman in attendance whose duty it shall be to remain outside the gaseous area and act as a watcher and give the alarm to the casthouse or stockhouse and render every possible assistance in case of gassing or other danger.

Protection from bustle pipes.

(218) All bustle pipes shall be provided with safe working platforms equipped with hand-rails at least three feet six inches in height, and wherever practicable the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it. Access to the platform shall be by stairway provided with hand-rails.

Line of communication.

(219) A suitable line of communication by telephone, gong or other mechanical means shall be maintained between the furnace top and all other dangerous places, and the casthouse, skip operator's room, or other place where workmen are continuously on duty.

Stairways and ladderways.

(220) A suitable ladderway or stairway shall be provided from the foundation to the top of the furnace.

Stairways protected.

(221) Unless an approved type of elevator is provided as a means of travel to the furnace top, stairways shall be installed at an angle not greater than fifty degrees from the horizontal and shall be provided with landings or turnouts at intervals of not more than twenty-five feet, measured on the slope, so that it will not be possible for a workman to fall from the top to the foundation below.

(222) Every foreman shall personally supervise or appoint a competent assistant to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the casthouse, about the stoves when blowing in or blowing out, and any work about the bells or stock line. He shall also, when the furnace is known to be hanging and liable to slip, see that no workman is allowed on top for any purpose. ^{Supervision of hazardous work.}

(223) When ore becomes frozen or jammed in the furnace hopper or bell and workmen are required to bar the same into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell. ^{Protection around bell.}

(224) There shall be maintained at all blast furnaces and in other metallurgical works when the atmosphere may contain dangerous concentrations of poisonous gases or vapours, in readily accessible places, breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of material for the proper operation of such apparatus. There shall also be on duty in each working shift a person or persons appointed by the superintendent and trained in the use of breathing and resuscitating apparatus. ^{Rescue apparatus.}

Steam, Compressed Air.

(225) (a) Every steam boiler used for generating steam in or about a mine shall, whether separate or one of a range, ^{Steam boilers.}

(i) have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler,

(ii) be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months; and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector.

(b) The certificate of inspection shall be kept posted in the boiler room at all times.

(226) Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. ^{Main-tenance.}

(227) (a) Every air receiver installed at the surface of a mine shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector. ^{Air receivers.}

(b) The certificate of inspection shall be kept posted in the compressor room at all times.

MECHANICAL RULES.

Sinking Equipment.

When
crosshead
required.

(228) (a) After a depth of three hundred feet below the sheave has been attained in the sinking of any vertical shaft or winze a suitable bucket and crosshead, as referred to in clause b of this rule and rule 229, shall be used.

(b) When a closed type of crosshead is not used the bucket shall be barrel-shaped and shall be suspended by the upper rim.

Safety
appliance on
crosshead.

(229) (a) All sinking crossheads shall be provided with a safety appliance of a design approved by the Mechanical Inspector for attaching the bucket to the crosshead, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket.

(b) All crossheads shall be of a design approved by the Inspector.

Shaft Conveyance Construction and Operation.

Protection
from contact
with tim-
bering, etc.

(230) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any portion of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Doors shall be so fitted that they cannot be accidentally opened.

Construction
of cages
and skips.

(231) All cages or skips for lowering or raising men shall be constructed as follows:

Hood.

(a) The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength.

Casing.

(b) The cage shall be provided with sheet-iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength, and such casing shall extend to a height not less than five feet above the floor of the cage.

Doors.

(c) The cage shall be equipped with doors made of suitable material, which shall extend to a height not less than five feet above the floor and be so arranged that it will be impossible for the doors to open outward from the cage.

- (d) (i) The safety catches and mechanism shall be of sufficient strength to hold the shaft conveyance with its maximum load at any point in the shaft and shall be of a type the design and performance of which are approved by the Chief Inspector. Such approval shall not be considered until the safety catches and mechanism shall be found to function satisfactorily under load conditions during such number of tests as may be required by the Chief Inspector, each test to consist of suddenly releasing the shaft conveyance in some suitable manner under maximum loading conditions for persons so that the safety catches shall have the opportunity to grip the guides when the conveyance is descending at maximum hoisting speed. A report of such tests and drawings of the safety catches and mechanism shall be sent in duplicate to the Chief Inspector, who may require such further information or tests as he deems necessary.
- (ii) Before any shaft conveyance equipped with approved type safety catches and mechanism is first used for the purpose of lowering or hoisting men, the safety catches and mechanism shall be found to function efficiently according to the requirements of the Mechanical Inspector during a test under the same conditions as set out in subclause i of clause *d* of this rule, and a permit for the use of the conveyance for hoisting and lowering men shall be obtained from the District Inspector. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the District Inspector.
- (iii) Any shaft conveyance previously permitted for use by the District Inspector for the purpose of lowering or hoisting men, on which alterations or repairs to the safety catch mechanism necessary to rectify any distortion of the mechanism from its proven satisfactory position are made, shall not be put to such use until the safety catch and mechanism shall have been found to function efficiently according to the requirements of the Mechanical Inspector during a test made under the same conditions as set out in subclause i of clause *d* of this rule and the District Inspector

shall have again issued permission for the use of such conveyance for such purpose. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the District Inspector.

Hoisting
without
safety
catches.

(232) The Chief Inspector may give permission in writing for hoisting men without safety catches if he is satisfied that the equipment and conditions are such that a maximum of safety is provided.

Operating
chairs by
lever.

(233) The cage shall not have chairs attached thereto which are operated by a lever or a chain through or from the floor of the cage.

Automatic
operation
of chairs.

(234) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, other than at the lowest point of travel for a skip, they shall be so arranged that they automatically fall clear and remain clear of the hoisting compartment when the cage or other conveyance is lifted off.

Bales,
safety
latches, etc.

(235) The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the Chief Inspector.

Hoisting Procedure.

Hoisting
after
stoppages.

(236) After every stoppage of hoisting for repairs and after any stoppage for any other purpose which shall exceed two hours' duration no person shall be raised or lowered until the cage or skip has made one complete trip up and down the working portion of the shaft. The hoistman shall record all such stoppages and trips in the Hoistman's Log Book.

Auxiliary
overwind.

(237) Where a hoist is equipped with an auxiliary overwind device for preventing men from being hoisted to the dumping position in skips or in skips of skip-cage assemblies, as required in rule 368, the hoistman shall place such device in operation or assure himself that such device is in operation at all times that men are handled.

Obstructions.

(238) Where obstructions such as those referred to in clause *c* of rule 367 may exist, the hoistman shall not hoist or lower the shaft conveyance, without proper authority.

Testing
overwind
devices.

(239) All overwind and underwind devices shall be tested at least once during every twenty-four hours and a record of such test shall be posted immediately in the Hoistman's Log Book.

(240) The operator of a hoist shall, after going on shift and before a conveyance is raised or lowered, assure himself that the brake or brakes are in proper condition to hold the loads suspended on the corresponding drum or drums, by testing the brakes of the drums against the normal starting power of the engine or in the case of an electric hoist against the normal starting current. He shall not unclutch a drum of the hoist until such test has been made.

Brakes to
be tested.

(241) When a hoist is fitted with a friction clutch the operator shall, after going on shift and before a conveyance is raised or lowered, test the holding power of the clutch, the brake of the corresponding drum being kept on, the brake of the other drum being kept off. In case of a steam or air hoist the test shall be made against the normal starting power of the engine, and in the case of an electric hoist against the normal starting current.

Friction
clutches.

(242) When the drum of a hoist is unclutched, the brake of such drum shall be used only for the purpose of maintaining such drum in a stationary position and no lowering shall be done from an unclutched drum.

Use of
brake when
drum un-
clutched.

(243) When men are in a hoisting conveyance the corresponding drum of the hoist shall be kept clutched in.

When clutch
to be kept in.

(244) (a) At every shaft or winze hoist there shall be kept a Hoistman's Log Book in which shall be recorded,

Hoistman's
Log Book.

- (i) a report of the working condition of the hoist, including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist,
- (ii) a report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned,
- (iii) any special instructions received involving the safety of persons. Such entry shall be signed by the hoistman and by the person issuing the instructions,
- (iv) where the required tests of the overwind and underwind devices are conducted by a hoistman operating on another shift, the hoistman assuming duty shall note over his signature that he has examined the entry in the log book of the hoistman who performed the tests,

(v) a report of all abnormal circumstances in connection with the operation of the hoist or attachments thereto and such abnormal conditions as have come to the hoistman's knowledge in connection with the hoisting operations in the shaft or winze,

(vi) a report of all trial trips referred to in rules 236 and 275.

(b) A notification to the hoistman on a succeeding period of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the hoistman's log book. All such entries shall be countersigned by the hoistman assuming duty for such succeeding period.

(c) Such entries as are required by clauses *a* and *b* shall be made and signed by every hoistman for his period of duty on every shaft or winze hoist, the time and duration of which period of duty shall also be noted and such entries as have been made during the preceding twenty-four hours shall be read and signed each day by the master mechanic or other authorized person.

Hoist Brakes.

Brakes
required.

(245) Any device used for hoisting from mine workings shall be equipped with a brake or brakes which may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load.

Type of
brake.

(246) The brakes shall be so arranged that they can be tested separately and, whether the hoist is at work or at rest, can be easily and safely manipulated by the hoistman when at the levers controlling the hoist. No hoist used for the raising or lowering of persons or for shaft sinking shall be equipped with a brake or brakes operated by means of a hoistman's foot, unless such brake is an auxiliary electrical device. The adjustments of the brake or brakes and brake mechanism shall be maintained in such condition that the brake lever or any other part of the brake mechanism will not come to the limit of travel before the normal power of the brake or brakes is applied.

Auxiliary
brake
required.

(247) In the case of non-reversible steam or air hoists and single-drum electric hoists an adequate auxiliary brake shall be installed before the same shall be used for hoisting or lowering men, but non-reversible steam or air hoists with throttle-controlled exhausts shall not require such auxiliary brake.

Hoist Clutches.

(248) The operating gear of the clutch of the drum shall be provided with locking gear to prevent the inadvertent withdrawal or insertion of the clutch. Locking gear.

(249) The brake and clutch operating gear shall be so installed that it shall not be possible to unclutch any drum unless the brake or brakes on such drum are applied, nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged. Interlocking brake and clutch.

Hoist Drums.

(250) Such bolts and other fittings of the drums, brakes and clutches as might be a danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices other than spring lock-washers. Securing of drum parts.

(251) On the drum of every hoist used for lowering or raising persons there shall be flanges and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping off. Slipping of rope on drum.

(252) In all hoist installations the dimensions of the drum or drums shall be suitable for the kind, diameter and length of the rope in service. The diameters of the hoist drums shall be large enough to prevent the occurrence of unduly large bending stresses in the rope. Where multiple-layer winding is used proper arrangements shall be made and maintained to permit the rope to rise evenly from one layer to another and to wind properly without cutting down through any lower layer. Suitability of hoist drum for rope.

(253) In all installations of newly acquired hoists and modifications of existing hoists designed to increase the hoisting capacity of the hoist,— Hoist drum, specifications.

- (a) the drums of the hoist shall have grooving properly machined to fit the rope used, except that in the case of shaft sinking, preliminary development operations and other operations of a temporary nature hoists with plain drums may be used;
- (b) the drums shall have sufficient rope-carrying capacity to permit hoisting from the lowest regular hoisting point to the highest point of travel in the shaft without the necessity of winding more than three layers of rope on the drum;
- (c) the diameter of any hoist drum shall not be less than eighty times the diameter of the hoisting rope in

use when the diameter of such rope is greater than one inch and shall not be less than sixty times the diameter of the hoisting rope in use when the diameter of such rope is not greater than one inch, but the Chief Inspector may, in case of shaft sinking and preliminary development operations, give permission in writing for the use of a hoist having a drum the diameter of which is not less than forty-eight times the diameter of the hoisting rope in use when the diameter of such rope is not greater than one inch, if he is satisfied that the equipment is such that adequate safety is provided;

- (d) the hoist and the head sheaves shall be so located in relation to one another as to permit the proper winding of the rope on the hoist drum.

Overwinding, etc., Air and Steam Hoists.

Overwind and underwind protection for air or steam hoists.

(254) In the case of steam or air hoists, where the depth of the shaft is greater than three hundred feet or the hoisting speed is greater than two hundred and fifty feet per minute, or in the case of any hoist designated by the Mechanical Inspector, there shall be provided suitable overwind and underwind protection for the hoisting conveyance, except that in shaft sinking, inspection and maintenance operations the underwind protection may be dispensed with.

Gauge required.

(255) At all air or steam hoists there shall be installed, within plain view of the operator, a gauge to indicate the air or steam pressure.

Indicators.

Indicator required.

(256) Every hoist shall, in addition to any marks on the rope, be provided with a reliable depth indicator, which will clearly and accurately show to the operator at all times,—

- (a) the position of the bucket, cage or skip;
- (b) at what positions in the shaft a change of gradient necessitates a reduction in speed.

Operation of indicator.

(257) Hoist depth indicators shall be driven by a suitable train of gears from their corresponding hoist drum and all gears and pointers shall be attached to their respective parts in a positive manner.

Special Testing.

Special testing.

(258) If the Mechanical Inspector deems it necessary, he

may, after consultation with the manager, conduct or require to be conducted, specific tests of the efficiency of all brakes, clutches, mechanical overwind devices or other hoist controls.

Examination.

(259) The owner or manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it shall be to examine at least once in each week the sheave wheels, the attachments of the hoisting ropes to the drums and to the counterweights, buckets, cages or skips, the brakes, interlocks and depth indicators and the buckets, counterweights, cages, skips, the external parts of the hoist, the mechanical hoisting signalling equipment, if any, the shaft dumping and loading arrangements, sinking doors and blasting sets and any attachments thereto, and to record the report of such examination in a book termed the Hoisting Machinery Record Book.

Examination
of hoisting
equipment
required.

Hoist Loading.

(260) In all new hoisting installations and modifications of existing installations no new hoist nor any hoist which has previously been in use beyond the control of the present owner shall be used which is not accompanied by a certificate from the manufacturer giving the maximum permissible unbalanced load and the maximum permissible total rope pull of the hoist for the conditions under which the hoist is to be operated, and the hoist shall not be loaded beyond the maximum load so specified. No alterations designed to increase the hoisting capacity shall be made to any hoist unless approval is given by the hoist manufacturer or an independent competent hoist design engineer.

Permissible
hoist
loading.

Hoisting Ropes.

(261) (a) The connection between the hoisting rope and the bucket, cage, skip, counterbalance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. No open-hook device shall be used for such purpose.

Rope
connection.

(b) On all new installations or proposed changes to existing installations the method of making such connection shall be of a design approved by the Chief Inspector.

(c) The drum end of the rope shall be fastened to the spider of the drum or around the drum shaft in some suitable manner.

(262) In no case shall a rope which has been spliced be used for hoisting purposes.

Splicing
prohibited.

Length of
rope re-
quired on
hoist drum.

(263) (a) No hoist shall be operated with less than three turns of rope upon the drum when the bucket, cage or skip is at the lowest point in the shaft from which hoisting is effected.

(b) No hoist acquired subsequent to the date of enactment of these rules and no existing hoist modified subsequent to that date so as to increase the hoisting capacity of such hoist shall be operated with more than three complete layers of rope on the drum when the conveyance is at the highest point of travel in the shaft.

Test
certificate.

(264) (a) No hoisting rope shall be used which has not been tested by the Ontario Government Cable Testing Laboratory and for which a certificate of such test is not in the possession of the user.

Rope
certificate
required.

(b) No hoisting rope shall be used which is not accompanied by a certificate from the manufacturer giving the following information: name and address of manufacturer; manufacturer's rope number; date of manufacture; diameter of rope in inches; weight per foot in pounds; number of strands; class of core; percentage by weight of lubricant in core; trade name of interior rope lubricant; number of wires in strand; diameter of wires in decimals of an inch; breaking stress of steel of which the wire is made in pounds per square inch; standard torsion test of wires; actual breaking load of rope as provided by clause *a* of this rule; length of rope.

Rope data
to be entered
in Rope
Record
Book.

(c) When a rope is put on in any shaft compartment or hoisting way the foregoing data, along with the additional following information, shall be entered in a book termed the Rope Record Book: name of party from whom purchased; date of purchase; date put on in present location; identification number of rope; name of shaft or winze and compartment in which rope is used; weight of shaft conveyance; weight of material carried; maximum length of rope in service below sheave; maximum weight of rope in service below sheave; static factors of safety (at conveyance connection and at head sheave with rope fully let out); and date put on and removed from previous locations, if any.

Information
to be sent
to Chief
Inspector.

(d) Duplicate copies of such entries shall be forwarded to the Chief Inspector at the time the rope is put on in any location.

Rope Record
Book.

(e) The owner or manager shall keep or cause to be kept at the mine a book termed the Rope Record Book in which shall be recorded in addition to the information referred to in clauses *b* and *c* of this rule, a history of the hoisting rope outlining the date on which the rope was first put on, dates of shortening, dates and results of breaking tests, date and reason for taking off for each occasion the rope is put into and taken out of service.

(f) The Rope Record Book shall always be open for inspection by the Inspector. Rope Record Book open to Inspector.

(g) When a hoisting rope is taken out of service from any shaft compartment, notice to that effect shall be forwarded to the Chief Inspector, giving the date, the reasons for discarding or discontinuing the use of such rope, disposition of rope, and such other information as he may require. Notification of rope discarded.

(265) No hoisting rope which has previously been in use in any place beyond the control of the owner shall be put on anew except with the permission in writing of the Chief Inspector. Request for permission to use such rope shall be accompanied by certification that the rope has been properly examined and that no apparent defects have been found. Two standard test pieces, one from each end of the rope, shall also be sent to the Ontario Government Cable Testing Laboratory for test. History of rope required.

(266) No hoisting rope that has been removed from service at a shaft or winze compartment shall be put on anew for the purpose of raising or lowering men unless proper measures have been taken for the maintenance of such rope and the owner or manager is satisfied that the rope is in suitable working condition. Precautions, used ropes.

(267) When any shaft compartment has been abandoned for hoisting purposes the hoisting rope shall immediately be removed from the shaft. Rope removal.

(268) No hoisting rope shall be reversed until application has been made in writing to the Chief Inspector, standard test pieces from each end of the rope have been submitted for test, and approval for the reversal has been received from the Chief Inspector. Rope not to be reversed.

(269) For the purpose of this rule the factor of safety of a hoisting rope in a shaft or winze shall mean the number of times the breaking strength of the rope is greater than the total weight supported by the rope at a definite place in such rope. The breaking strength of the rope shall mean the breaking strength of such rope as shown in the test certificate issued by the Ontario Government Cable Testing Laboratory before the rope is installed, as required by clause *a* of rule 264. Factor of safety of hoisting rope.

- (a) Every hoisting rope when newly installed on newly acquired hoists, or on existing hoists modified to increase the hoisting capacity of the hoist shall have a factor of safety of not less than 8.5 at the end of the rope where it is attached to the shaft or winze conveyance and where the total weight consists of

the combined weight of the conveyance plus the weight of the material hoisted. In addition such hoisting rope shall have a factor of safety of not less than 5 at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that portion of the rope which extends from the head sheave to the conveyance.

- (b) Every hoisting rope when newly installed on hoists which were the property of a mine on the date these rules became effective shall have a factor of safety of not less than 6 for shafts and winzes less than 2,000 feet in depth and not less than 5 for shafts and winzes over 2,000 feet in depth, at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the weight of the material hoisted plus the weight of that portion of the rope which extends from the head sheave to the conveyance.

Rope dis-
carded.

(270) No hoisting rope shall be used in any shaft or winze when in any part of such rope,—

- (a) the existing strength has decreased to less than ninety per centum of the original strength of the rope;
- (b) the extension of a test piece has decreased to less than sixty per centum of its original extension when tested to destruction;
- (c) the number of broken wires in any section of the rope equalling the length of one lay of said rope exceeds six;
- (d) marked corrosion occurs.

Rope Dressing.

Rope
dressing.

(271) (a) The rope dressing used on every hoisting rope shall be suited to the operating conditions of the rope and such dressing shall be applied at least once in every month and as often as is necessary to maintain the coating on the rope in good condition.

Idem.

(b) Every time the rope is dressed a report of such treatment shall be recorded in the Hoisting Machinery Record Book and signed by the person who performs the work.

Rope Attachment—Counterweight.

(272) The rope from the counterweight shall be attached to the drum of the hoist and not to the cage or skip. Counterweight.

Rope Testing.

(273) At least once in every six months the hoisting rope shall have a portion not less than eight feet in length cut off the lower end, from a position above the clamps or other attachment. The length so cut shall have the ends adequately fastened with binding wire before the cut is made, to prevent the disturbance of the strands, and shall be sent to the Ontario Government Cable Testing Laboratory for a breaking test. The certificate of such test shall be kept on file and a summary thereof recorded in the Rope Record Book. Testing of hoisting rope.

(274) The Chief Inspector may require that test specimens shall be cut from any rope discarded for use in mine hoisting at points specified by him and sent to the Ontario Government Cable Testing Laboratory for special testing and investigation, if he is of the opinion that such testing and investigation is in the interest of better mine hoisting practice. No charge shall be made for such special testing and investigation. Special testing of used hoisting ropes.

Rope Attachments.

(275) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip, or counterweight and the connection between the drum and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager, or department head, and shall not be used for ordinary transport of persons in any shaft or winze until two complete trips up and down the working portions of such shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load. Examination of attachments.

(a) The hoistman shall make a record of such two complete trips in the Hoistman's Log Book.

(b) The results of such examination of the connecting attachments between the bucket, cage, skip or counterweight and hoist drum and the rope shall be recorded in the Hoisting Machinery Record Book and signed by the person making the examination.

(276) (a) At the periodical cutting of the rope for test the connection between the rope and the bucket, cage or skip, or counterbalance shall be thoroughly cleaned and examined. Cleaning and examination of rope connections.

(b) At such time the connection between the rope and the drum shall be thoroughly cleaned and carefully examined.

Examination of Ropes and Safety Appliances.

Examination
of hoisting
ropes and
safety
appliances.

(277) (a) The owner or manager shall depute a competent person or persons who shall examine,

- (i) at least once in each day the exterior of the rope to detect the presence of kinks or other visible damage and to note the appearance of the rope dressing,
- (ii) at least once in each month the structure of that portion of the hoisting rope which is not on the hoist drum when the conveyance is at its lowest stopping point, with a view to ascertaining the deterioration thereof, and for the purpose of this examination the rope shall be cleaned at points selected by the said person or persons, who shall note any reduction in the diameter or circumference of and the proportion of wear in the rope. The starting point of the examination shall be changed slightly from month to month in order to obtain more complete information, but any part showing appreciable reduction in diameter or circumference or appreciable wear shall be checked when the rope is again examined,
- (iii) that portion of the rope which normally remains on the drum when the conveyance is at its lowest stopping point, and shall lubricate such portion; and if, during such examination of the rope, significant deterioration is found in the portion of rope on the drum or at the cross-over points, the rope shall be shortened sufficiently to eliminate any crushed portion or to change the position of the cross-over points if either or both are necessary,
- (iv) at least once in each day the safety appliances, if any, of the conveyance, to be sure they are clean and in proper adjustment and working condition,
- (v) at least once in every three months the safety catches of the cages or other conveyance so equipped, by testing the same; such test shall consist of releasing the empty conveyance suddenly in some suitable manner from rest so that the safety catches shall have the opportunity to grip the guides; and in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for raising or lowering men until the safety catches have been repaired and have been proved to act satisfactorily, as referred to in subclause iii of clause d of rule 231.

(b) If the Mechanical Inspector deems it necessary he may, after consultation with the manager, conduct or cause to be conducted specific tests of the safety catches with which a conveyance is equipped.

(278) If, on any examination, there is discovered any weakness or defect whereby the safety of persons may be ^{Defects to be remedied at once.} endangered, any such weakness or defect shall be immediately reported to the owner or manager or person in charge, and until such weakness or defect is remedied the hoisting plant shall not be used.

(279) It shall be the duty of all such persons referred to in rule 277 to record the reports of all examinations referred to ^{Recording of examination and reports.} in that rule and also to record all reports referred to in rule 278 in a book termed the Hoisting Machinery Record Book.

Head Sheaves.

(280) Head sheaves shall be of such diameter as shall be ^{Head sheaves.} suited to the rope in use and shall be machined properly to fit the rope.

(a) The diameter of a head sheave used with a hoist referred to in rule 253 shall not be less than the diameter of the drum of such hoist.

(b) In all installations of bi-cylindro-conical drum type hoists the diameter of the head sheave shall not be less than the diameter of the small cylindrical section of the corresponding drum.

Hoisting Machinery Record Book.

(281) (a) The owner or manager shall keep or cause to be kept at the mine a book for each hoist, termed the Hoisting Machinery Record Book, in which shall be recorded a report of every such examination or report, as referred to in rule 259, clause *b* of rule 275 and rules 276, 277 and 278, and a notation of any failure of, accident to, correction or repairs to the hoist, the hoisting rope, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, signed by the person making the examination or report. ^{Hoisting Machinery Record Book.}

(b) Such entries of examinations and notations shall be read ^{Entries to be signed.} and signed each day, week or month, as may be required, by the responsible person in charge of such equipment or accessories thereto.

(c) A notation shall be made in the Hoisting Machinery Record Book of the action taken regarding the report of any ^{What to be entered.}

failure of, accident to, correction or repairs to the hoist, the hoisting rope, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, over the signature of the responsible person in charge of such equipment or accessories thereto.

Book to be available.

(d) The Hoisting Machinery Record Book shall be made available to the Inspector at all times.

RULES GOVERNING USE OF ELECTRICITY.

Interpretation.

(282) In the following rules,—

“armoured cable”.

(a) “armoured cable” shall mean a cable provided with a wrapping of metal (usually metal tapes or wires) forming an integral part of the assembly, primarily for the purpose of mechanical protection;

NOTE: Lead is not considered to be capable of affording such protection.

“branch circuit”.

(b) “branch circuit” shall mean that portion of a circuit extending beyond the final over-current devices on the circuit;

“circuit”.

(c) “circuit” shall mean any complete conductor, loop, path, or unit current-carrying part of the system conductors, also that portion of a system controlled by a switch or protected by a cut-out;

“circuit-breaker”.

(d) “circuit-breaker” shall mean an electro-mechanical device, designed to open, under both overload and short-circuit conditions a current-carrying circuit, without injury to the device;

“conductor”.

(e) “conductor” shall mean a body so constructed from conducting material that it may be used as a carrier of electric current;

“contactor”.

(f) “contactor” shall mean a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit;

“control device”.

(g) “control device” shall mean all devices which are employed for the control of circuits and electrical equipment, and in these rules shall include switches, circuit-breakers, fuse cut-outs, and contactors, but shall not include disconnectors;

“disconnecter”.

(h) “disconnecter”—see “isolating switch”;

- (i) "electrical equipment" shall mean any equipment, ^{"electrical equipment".} machinery, apparatus, appliances, instruments, devices, fittings, or materials designed for, used in, or intended to be used in the generation, transformation, transmission, distribution, supply or utilization of electric energy;
- (j) "electrical supply station" shall mean any building, ^{"electrical supply station".} room or enclosed space within which is situated electrical supply equipment and which is accessible only to authorized persons. The term shall include generating stations, sub-stations, generator enclosures, transformer enclosures, and other such stations or enclosures;
- (k) "feeder" shall mean an electrical transmitting circuit ^{"feeder".} of a system which supplies energy to sub-feeders or branch circuits at a distributing point in the system;
- (l) "fuse," "fuse cut-out" shall mean a fusible device ^{"fuse, fuse cut-out".} capable of automatically opening an electric circuit under pre-determined overload conditions by the fusing of metal;
- (m) "general use switch" shall mean a switch intended ^{"general use switch".} for use in general distribution and branch circuits. It is rated in amperes and is capable of interrupting the rated current at the rated voltage;
- (n) "ground" shall mean a connection to earth obtained ^{"ground".} by a ground electrode;
- (o) "grounded" shall mean connected effectively with ^{"grounded".} the general mass of the earth through a grounding system having current-carrying capacity sufficient at all times, under the most severe conditions which are liable to arise in practice, to prevent any current in the grounding conductor from causing a harmful voltage to exist,
 - (i) between the grounded conductors and neighbouring exposed conducting surfaces which are in good contact with the earth, or
 - (ii) between the grounded conductors and neighbouring surfaces of the earth itself;
- (p) "grounding conductor" shall mean a path of suitable ^{"grounding conductor".} metal specially arranged as a means whereby electrical equipment is electrically connected to a ground electrode. In the case of flexible cords containing a

grounding conductor, the grounding conductor may be uninsulated or, if insulated, green in colour;

"grounding system".

- (q) "grounding system" shall mean all those cables and other conductors, clamps, ground clips and ground plates or pipes by means of which the electrical installation is grounded, including the ground electrodes to which such cable and other conductors, clamps and clips are attached;

"ground electrode".

- (r) "ground electrode" shall mean a buried metallic water-piping system, or metal object or device buried in, or driven into, the ground (so as to make intimate contact therewith) to which a grounding-conductor is electrically and mechanically connected;

"guarded".

- (s) "guarded" shall mean covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, or casings, barriers, rails or screens, mats or platforms, to remove the likelihood of dangerous contact or approach by persons or objects;

"insulation".

- (t) "insulation"—Class A insulation shall give equal protection as provided by the following:

- (i) cotton, silk, paper and similar organic materials when either impregnated or immersed in a liquid dielectric,
- (ii) molded and laminated materials with cellulose filler, phenolic resins, and other resins of similar properties,
- (iii) films and sheets of cellulose acetate and other cellulose derivatives of similar properties, and
- (iv) varnishes (enamel) as applied to conductors;

Class B insulation shall give equal protection as provided by the following: mica, asbestos, fibre glass and similar inorganic materials in built-up form with organic binding substances. A small proportion of Class A materials may be used for structural purposes only;

Class C insulation shall give equal protection as provided by the following: mica, porcelain, glass, quartz and similar inorganic materials;

"isolating switch".

- (u) "isolating switch" shall mean a switch intended for isolating either a circuit or equipment from its

source of supply. It is not intended either for establishing or interrupting the load current in any circuit;

- (v) "magnetic contactor" shall mean a contactor actuated by electromagnetic means; "magnetic contactor".
- (w) "motor-circuit switch" shall mean a switch intended for use in a motor branch circuit. It is rated in horsepower and is capable of interrupting the maximum operating overload current of a motor of the same rating at the rated voltage; "motor-circuit switch".
- (x) "over-load device" shall mean a device affording over-current, but not necessarily short circuit protection, and capable of automatically opening an electric circuit either by the fusing of metal or by electro-mechanical means; "over-load device".
- (y) "switch" shall mean a device for opening or closing or changing the connections of a circuit manually, and in these rules a "switch" is always to be understood as operated manually, unless otherwise stated; "switch".
- (z) "switchboard" shall mean a panel or assembly of panels on which are mounted any combination of switching, measuring, control and protective devices, buses and connections, designed with a view to successfully carrying and rupturing the maximum fault current encountered when controlling incoming and outgoing feeders; "switch-board".
- (za) "utilization equipment" shall mean equipment, devices and connected wiring, which utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of supply equipment; "utilization equipment".
- (zb) "voltage", "volts" shall mean the highest effective difference of potential between the conductors of the circuit concerned; "voltage", "volts".
- (zc) "voltage to ground" shall mean, "voltage to ground".
 - (i) in grounded circuits the highest effective difference of potential between any wire of the circuit and ground,
 - (ii) in ungrounded circuits the highest effective difference of potential existing in the circuit;
- (zd) "wire gauge" shall mean the standard known as Brown and Sharpe (B. & S.). "wire gauge".

General Electrical Rules.

Competent
person
in charge.

(283) Where electrical apparatus is used at any mine it shall be in charge of an authorized person, who shall be qualified by experience to handle such apparatus. Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent to perform the work that he is set to do. Repairs, extensions and changes to existing electrical installations shall be made only by qualified persons.

General
require-
ments.

(284) All electrical equipment shall be of such construction and so installed and maintained as to reduce the life and fire hazard as far as practicable. For greater certainty and in the absence of any specific approvals in the Rules Governing Use of Electricity, adherence to electrical codes recognized by the Minister shall be accepted as good practice.

Inspections
and repairs.

(285) Electrical equipment shall comply with these rules when placed in service, and shall thereafter be periodically inspected and, when necessary, cleaned. Defective equipment shall be put in good order or permanently disconnected. Defective wiring shall be repaired or removed.

Identifica-
tion of
equipment.

(286) All electrical equipment shall be suitably identified where necessary for safety. The voltage and intended use shall be shown, where important.

Locking of
tagging
switches.

(287) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Notices.

(288) Notices placed on electrical equipment shall be of non-conducting materials.

Live
equipment.

(289) No repairs or alterations shall be carried out on any live equipment exceeding 300 volts to ground, except where complete disconnection of the equipment is not practicable. If the adjustment or repairs must be made while the equipment is alive, all necessary precautions shall be taken to ensure that the work may be done safely. In places where explosive or highly inflammable materials or gases are present repair or alteration shall not be made on any live equipment.

Grounding.

Circuits to
be grounded.

(290) (a) One conductor of all circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having a primary voltage exceeding 750 volts, except where such circuits form part of a control circuit or

signalling system the grounding of which would affect the reliability of service.

(b) Three-wire single-phase circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

(c) One conductor of the secondary circuits of all instrument transformers shall be grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers.

(291) The exposed non-current-carrying parts of all electrical equipment shall be grounded when practicable,— Equipment to be grounded.

(a) for all equipment over 150 volts;

(b) for all equipment under 150 volts where the exposed non-current-carrying parts are within reach of exposed grounded surfaces such as metal frames of other machines, plumbing fixtures, conducting floors or walls. Grounded surfaces within five feet horizontally of the parts considered, or within eight feet vertically of the floor, shall be considered within reach.

(292) The point of attachment of the grounding conductor to electrical equipment shall be readily accessible and attachment shall be made by means of suitable lugs, clamps, or other equivalent means. Means of attachment.

(293) The grounding conductor shall be of copper or other metal which will not corrode excessively under the existing conditions and, if practicable, shall be continuous. Ground connections from circuits shall not be made to jointed piping within buildings, except that water or air piping beyond any point which is liable to disconnection may be used. Material and continuity of grounding conductor.

(294) For grounding circuits the grounding conductors shall have a current-carrying capacity equal to one-fifth of the largest conductor of the circuit and shall never be less than No. 8, B. & S. The grounding conductor for secondary circuits of instrument transformers shall not be smaller than the conductors of the secondary circuit. Size of grounding conductor.

(295) For electrical equipment the current-carrying capacity of the grounding conductor shall not be less than that provided by a copper wire of the size indicated in the following table: Idem.

Capacity of nearest automatic overload device	Required size of grounding conductor B. & S. gauge
0 to 100 amperes.....	8
101 to 200 amperes.....	6
201 to 400 amperes.....	4
Over 400 amperes.....	2

Grounding conductor for portable equipment. (296) The grounding conductor or conductors for the exposed non-current-carrying metal parts of portable equipment operating at potentials of not more than 300 volts to ground shall have a combined cross-sectional area not less than 60 per centum of the power conductor and in no case less than No. 16, B. & S. gauge. The grounding conductor or conductors may be uninsulated, but, if insulated, shall be green in colour.

Protecting ground wire. (297) Grounding conductors shall have adequate protection where exposed to mechanical injury.

Grounding system, connection to earth. (298) The grounding system shall be connected to the body of the earth, on the surface, through the lowest resistance earth contact possible.

Piping system ground. (299) Metallic water or air lines may be used for grounding, provided that connection is made at a point where the pipe is not liable to disconnection for alteration or repairs. Main water or air lines shall be substantially bonded together for this purpose, but shall, unless connected to a buried piping system of considerable extent which will provide a low-resistance ground, be connected to an artificial ground.

Artificial grounds. (300) Grounding electrodes, consisting of buried plates, driven rods or pipes, shall be embedded, or extended below permanent moisture level. Grounding electrodes consisting of iron or steel pipes shall be not less than three-quarters of an inch in internal diameter and grounding electrodes consisting of rods shall be not less than one-half inch in diameter.

Method of connection. (301) The grounding conductor shall be connected to the grounding electrode by means of substantial ground clamp or other equivalent means. When connecting to a metallic piping system, all paint, scale, and rust shall first be carefully removed.

Ground resistance measurement. (302) The earth contact of the main grounding system and supplementary earth contacts shall be provided with means to facilitate measurement of earth contact resistances.

Lightning Arrester Rules.

Grounding non-current-carrying parts. (303) All non-current-carrying parts of the arresters shall be grounded, unless effectively isolated by elevation, or

guarded as required for live parts of the voltage of the circuit to which the arrester is connected.

(304) All current-carrying parts of arresters on circuits above 300 volts, unless effectively isolated by elevation, shall be adequately guarded to protect persons from inadvertent contact with them, or from injury by arcing. Guarding live parts.

(305) Lightning arresters, when installed inside buildings, shall be located as far as practicable from all other equipment and from combustible parts of the building. Location of lightning arresters.

(306) Lightning arresters on circuits over 7,500 volts and all lightning arresters which may require work to be done upon them from time to time shall be so arranged and equipped that they may be readily isolated by air-break manual disconnectors. Provisions for disconnecting.

(307) Grounding conductors for lightning arresters on power transmission systems shall be run as directly as possible and be of low resistance and ample capacity. In no case shall such grounding conductors be less than No. 6 copper wire. Nor shall these conductors pass through metal conduits unless electrically connected to both ends of such conduits. Grounding conductors for lightning arresters on power transmission systems.

Transformers.

(308) Transformers shall be of a type and design suitable for the location in which they are to be installed. Each transformer shall be provided with a nameplate giving the maker's name, rating in kva, primary and secondary voltage ratings, frequency, and liquid capacity (if of the liquid-filled type). If the transformer is to be filled with an approved liquid that will not burn in air, the liquid shall be specified. General requirements.

(309) Transformers having a primary voltage in excess of 600 volts to ground and all transformers having exposed terminals, including their conductors and control and protective devices, shall be accessible only to authorized persons; unless isolated by elevation they shall be surrounded by an enclosure which, if of metal, shall be grounded; suitable warning signs indicating the highest potential employed shall be conspicuously posted. Enclosure to be provided.

(310) Oil-filled transformers shall not be mounted on or above combustible roofs and, if attached to the exterior of a building other than a transformerhouse, shall be placed only against non-combustible walls, away from all openings. Oil-filled transformers, if within a building other than a transformerhouse, shall be in a fireproof vault, suitably drained and ventilated to outdoors, the door openings to be provided with not less than six-inch non-combustible sills. Oil-filled transformers.

Transformer buildings.

(311) Transformer buildings containing oil-filled transformers, if not entirely of fireproof construction, shall be located at least fifty feet distant from any other combustible building. Oil-filled transformers installed outdoors shall be located not less than fifty feet distant from the shafthouse or any combustible building attached thereto and means shall be provided to contain escaping oil or to direct the flow away from such buildings.

Special transformers.

(312) Dry-core type transformers with Class A insulation, if installed within a building not of fireproof construction, shall be within a fireproof enclosure. Transformers containing an approved liquid which will not burn in air and transformers of the dry-core type with Class B or C insulation may be installed within or attached to the wall of a building not of fireproof construction, provided they are surrounded by a suitable enclosure to prevent mechanical injury and access by unauthorized persons.

Control of transformers.

(313) Suitable control devices shall be installed on the primary side of all power and distribution transformers. Minimum requirement for the control devices on the main high-tension transformer bank connected to the supplier's lines shall consist of a set of gang-operated air-break disconnecting switches or a suitable circuit-breaker preceded by disconnecting switches.

Protection of transformers.

(314) Transformers shall be protected against overload and short-circuit by suitable protective devices, unless the nature of the system makes protective devices inadvisable or unnecessary.

Protection of instrument transformers.

(315) Secondary circuits of current transformers shall be provided with means for short-circuiting them which can be readily connected while the primary is energized, and which are so arranged as to permit the removal of any instrument or other device from such circuits without opening the circuits.

Idem.

(316) When primaries are above 7,500 volts secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact of persons, shall be in permanently grounded conduit or flexible armour.

Supply Stations.

Supply stations to be inaccessible to unauthorized persons.

(317) No unauthorized person shall enter an electrical supply station or interfere with the workings of any electrical equipment connected therewith. Utilization equipment, if enclosed in a separate room which is inaccessible to unauthorized persons and when in service is under the control of a qualified electrical operator whose attention is not distracted

by other processes, shall be considered as electrical supply station equipment. When the authorized person is not present the door of such room shall be kept securely locked.

- (a) In case of abandonment of a mine, the owner, manager, or superintendent shall cause such station or stations supplying power to and being the property of the mine, to be disconnected from the power source and within fourteen days he shall notify the Chief Inspector in writing that such disconnection has been made.

(318) In supply stations suitable working space shall be provided and maintained about all electrical equipment. The following minimum clearances shall be maintained:

Volts to ground	Equipment on one side aisle	Equipment on both sides aisle
300 to 750	2.5 feet	3 feet
Above 750	3 feet	5 feet

(319) (a) In supply stations, current-carrying parts and conductors shall be guarded unless they are elevated the following distances above floors which may be occupied by persons:

Circuit voltage	Elevation in feet
300 to 750.....	7
751 to 2,500.....	7.5
2,501 to 7,500.....	8
7,501 to 30,000.....	9
30,001 to 70,000.....	10
70,001 to 100,000.....	12

(b) Where current-carrying parts must necessarily be exposed (unguarded) at distances less than those specified from the floor line, all surrounding conducting floors shall be covered with suitable insulating mats or platforms. Where the current-carrying parts operate at over 7,500 volts, they shall be guarded, even when insulating mats are also provided.

(320) Control devices over 300 volts to ground, unless so located or guarded as to eliminate the danger of accidental contact, shall have all current-carrying parts in either metal or fire-resistive enclosures.

(321) Rooms and spaces shall have good artificial illumination. Arrangement of permanent fixtures and plug receptacles shall be such that the portable cords need not be brought into dangerous proximity to live electrical apparatus. All lamps shall be so arranged that they can be controlled and replaced from readily accessible places.

(322) A separate emergency source of illumination, from an independent generator, storage battery, lanterns or other

suitable source, shall be provided in every station where an attendant is located.

Switchboards.

Construc-
tion.

(323) Panels of switchboards shall be of incombustible material and shall be substantially supported on a metal framework.

Control
devices
accessible.

(324) All control devices shall be so arranged that the operating mechanisms are readily accessible to the operator.

Location
and lighting.

(325) Adequate working space shall be provided around all switchboards, and they shall be so placed that the operator will not be endangered by machinery or equipment located near the board. Adequate illumination shall be provided for reading instruments and other operations.

Protecting
against short
circuiting.

(326) Exposed bare parts of different potentials on any switchboard or panelboard shall be as few as practicable and these shall be effectively separated.

Guarding
current-
carrying
parts.

(327) All switchboards, except in supply stations, having exposed current-carrying parts less than eight feet from the floor and operating at over 150 volts to ground shall be suitably guarded. Open-type disconnectors mounted above switchboard panels shall not be considered exposed if set back one foot from the face of the panel and elevated so that no bare current-carrying part is less than six and a half feet from the floor.

Switch-
boards below
150 volts
accessible to
unauthorized
persons.

(328) Where switchboards at voltages below 150 to ground are accessible to other than authorized operators they shall, where practicable, be enclosed in cabinets or screens as an effective precaution against accidental short-circuit.

Transmission Lines.

Design and
construction.

(329) All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable.

Guarding
supply lines.

(330) Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible, or shall be provided with guards so as to isolate them effectively from accidental contact of person.

Entrance to
buildings.

(331) Where supply lines over 300 volts to ground pass

over or are attached to any buildings for entrance, they shall be permanently guarded if accessible.

(332) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada. Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported. Clearance over railways.

Conductors.

(333) Conductors shall be suitable for the location, use and voltage of the circuit and shall have sufficient current-carrying capacity for the current they are required to carry. General rule.

(334) All conductors, where not protected by conduit or armoured, shall have approved insulation and shall be mounted on cleats, porcelain knobs or insulators and shall be separated from contact with floors, walls or partitions by tubes or incombustible insulating material. Insulating conductors.

(335) All fixed conductors operating at over 150 volts, unless isolated by an elevation of at least eight feet, shall be enclosed in grounded metal armour or shall be guarded by permanent screens or enclosures. Isolating conductors.

(336) Temporary wiring and equipment which is not in compliance with these rules may be used in the case of an emergency, but only when under competent supervision or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons. Such temporary installation is permissible only for the period of the emergency. Temporary wiring.

(337) Supply circuits to portable equipment over 300 volts, unless armoured, shall have all their conductors, including one or more grounding conductors, contained in one flexible, portable cable. Such cables shall conform with the following specifications: Portable power cables.

- (a) All portable cables transmitting power at a potential exceeding 300 volts shall have a voltage rating of 50 per centum higher than the normal operating voltage.
- (b) Minimum size of power conductor shall be No. 12, B. & S. gauge.

- (c) Such cables shall contain grounding conductors having a minimum of 60 per centum of the area of the largest conductor or interstitial grounding conductors having a total conductance of not less than 60 per centum of the largest power conductor. The minimum size of any grounding conductor shall be No. 12, B. & S. gauge.
- (d) Cables transmitting power at a potential exceeding 750 volts shall have a grounded sheathing consisting of tinned copper wire mesh, or equivalent, around each power conductor.
- (e) All portable cables transmitting power underground, unless armoured, shall have a non-inflammable covering, suitably identified.

Control and Protection of Circuits.

Control.

(338) Suitable control devices shall be inserted in all feeders and branch circuits. These control devices shall be readily accessible and as close as possible to the point of supply. They shall be grouped where practicable.

Switches for temporary wiring.

(339) Switches or plug connectors shall be placed in all circuit leads at the point where temporary wiring or portable conductors are connected to the permanent wiring.

Guarding switches above 300 volts.

(340) All switches interrupting circuits over 300 volts shall be operated by means of remote control mechanism or be provided with suitable casings protecting the operator from danger of contact with current-carrying parts.

Capacity of control devices.

(341) Control devices, with the exception of isolating switches, shall have a rated capacity such as to ensure safe interruption, at the working voltage, of the greatest current which they may be required to carry and shall be of such a design as to operate safely on the system from which the circuit is energized. Each control device shall be provided with a nameplate giving the manufacturer's name, the voltage rating and ampere capacity.

Enclosing live parts.

(342) Control devices over 150 volts to ground, unless so located or guarded as to render them inaccessible to unauthorized persons, shall have all current-carrying parts in either metal or fire-resistive enclosures.

Guarding control devices.

(343) The handles of manually-operated control devices shall be accessible to the operator without opening a door or cover giving access to live parts and shall indicate the "on" and "off" positions.

(344) Control devices shall, if practicable, be so connected that the blades or moving contacts will be dead when the device is in the open position. Connections to control devices.

(345) Control devices with attached overload and short-circuit protective devices shall be so connected that the overload and short-circuit devices will be dead when the control device is in the open position. Connection to protective devices.

(346) Where it is necessary for circuits of different voltages to enter the same terminal box or interlocking relay cabinet, the circuits shall be effectively separated by barriers or shall be clearly marked. Circuit voltages.

(347) All conductors of an A.C. circuit shall be run in the same conduit or armouring. Conductors in armour.

(348) Metal-covered and insulated conductors in conduit, where joined to transformers, motors, switchgear and other apparatus, shall have their metal coverings secured to such apparatus by clamps, locknuts or other devices to protect the insulated conductors from mechanical injury. Connections to apparatus.

(349) Where fuses are installed for the protection of circuits or equipment only an approved type fuse and fuse holder of proper rating shall be used. Type of fuses.

(350) Unless fuse cut-outs are so arranged that the fuses can be safely disconnected from all sources of electrical energy before the ungrounded current-carrying parts can be touched, switches shall always be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy. Switches to disconnect fuses and fuse cut-outs.

(351) Fuse cut-outs on circuits above 300 volts to ground shall be made inaccessible to unauthorized persons, and switches shall be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy. Protecting fuse cut-outs above 300 volts.

(352) All fuse cut-outs installed indoors shall be installed in approved fireproof cabinets or shall be of fireproof type. Fuse cut-outs in fireproof cabinets.

(353) Except as provided for in this rule, every conductor installed underground or within mine buildings shall be protected against short circuit at the point where it receives its supply and at any point where the size of the conductor is reduced. Such conductors shall also be protected against overcurrent and the rating or setting of the protective device shall not exceed the allowable current-carrying capacity of the circuit conductors except in the case of branch motor circuits where the rating or setting of the device may be in- Protection for inside circuits.

creased sufficiently to take care of motor-starting currents. Unless the opening of the device disconnects all circuit conductors at the same time, no manually-operated or automatically-operated disconnecting device shall be placed in a neutral or grounding conductor. Such protection may be omitted in the following cases:

- (a) If the branch circuit is not more than twenty-five feet in length.
- (b) If the protection for a larger conductor properly protects a smaller.
- (c) If the opening of the circuit may cause special hazard by interruption of service or removal of protection.

When air-break switches required.

(354) Unless a control device on circuits above 300 volts makes a visual air-break, if the control device, the circuit, or equipment controlled by the device requires adjustment or repair there shall be installed between it and the source of energy a suitable air-break disconnecter.

Disconnectors.

(355) Disconnectors shall be of suitable voltage and ampere rating for the circuit in which they are installed and, unless accessible only to qualified persons, they shall be protected by signs warning against opening the switch under load. All switches used as isolating switches shall be of the visual air-break type.

Barriers.

(356) Barriers shall be provided between circuits where more than one set of disconnecting switches are installed adjacent to each other.

Ground detector.

(357) On all ungrounded distribution systems over 300 volts suitable instruments or devices shall be installed and maintained for indicating the presence of ground faults.

Control and Protection of Apparatus.

General requirements of control devices.

(358) All control devices shall be readily and safely accessible to authorized persons; they shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them; manually-operated control devices shall indicate whether they are open or closed. They shall be so installed, where practicable, that they cannot be closed by gravity and such switches as close by gravity shall be provided with a proper stop-block or latch to prevent accidental closing.

Control of electrical equipment.

(359) Suitable control and protective devices shall be installed in the leads to all individual pieces of electrical equip-

ment such as generators, motors, transformers, storage batteries, electric furnaces, and other such equipment, except between parts or pieces of apparatus intended to operate as a unit.

(360) Switches, controllers and rheostats shall be so constructed as to make and maintain good contact. Knife switches shall maintain such alignment under service conditions that they may be closed with a single, unhesitating motion. ^{Good contact required.}

(361) All control devices installed outdoors shall be of an approved type, or suitably protected from the weather. ^{Control devices, outdoors.}

(362) All exposed current-carrying parts of electrical equipment such as bus bars, conductors and terminals, operating at over 150 volts and not isolated by an elevation of at least eight feet, shall be effectively guarded. ^{General.}

(363) Suitable working space shall be provided and maintained about all electrical equipment. Where adjacent to exposed live parts such working spaces shall be so arranged that they will not be used as passageways. The working space, where adjacent to exposed parts within eight feet of the floor, shall, where practicable, have the following minimum horizontal dimensions: ^{Utilization equipment.}

Volts to ground	Equipment on one side aisle	Equipment on both sides aisle
Below 150	1.5 feet	2.5 feet
Above 150	2.5 feet	4.0 feet

(364) (a) All motors shall be provided with proper starting equipment rated in horsepower and for all motors up to 50 horsepower, except as provided for below, the motor and its starting equipment shall be controlled by a motor-circuit switch which will disconnect all ungrounded conductors of the circuit, leaving the motor and entire starting equipment dead. An isolating switch or a general-use switch treated as an isolating switch may be used for motors of more than 50 horsepower. ^{Control of motors.}

(b) For all motors up to 750 volts, the motor-circuit switch shall have a horsepower rating not less than that of the motor it controls. Where a general-use switch or an isolating switch is used for motors of more than 50 horsepower it shall have a rating not less than 115 per centum of the current rating of the motor as shown on the nameplate and a minimum rating of 200 amperes. In all cases the motor-circuit switch, general-use switch or isolating switch shall be so constructed that the "open position" may be verified by visual inspection.

(c) The motor-circuit switch may be omitted where a circuit breaker or autostarter is employed as the starting device. In this case the motor-circuit switch may be replaced by a general-use switch or isolating switch.

(d) Manually-operated motor starters of the compensator type having both a starting and running position shall be so designed that they cannot remain in the starting position.

(e) One motor-circuit switch may serve a group of motors if the motors drive several parts of a single machine or apparatus.

Motor
control
devices.

(365) Manually-controlled starters for all D.C. motors and for all A.C. motors over five horsepower shall be so designed and the circuits so arranged that they return automatically to the "off" position upon the failure of the energy supply, except where the motors and their starting devices are, during operation, under the supervision of qualified persons and equivalent protection is otherwise provided.

Protection
of motors.

(366) Each motor shall be protected against continuous overload by an overload device that will interrupt the circuit at 125 per centum of the normal current rating of the motor.

Electric Hoists.

Installation.

(367) All electric hoists shall be so installed that:

Automatic
brake.

(a) One or more brakes will be applied automatically to bring the hoist to rest in event of power failure.

Overwind
and under-
wind devices.

(b) A suitable overwind and underwind device in conjunction, if necessary, with a suitable overspeed device will cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest before the cable attachment can reach the sheave or before the conveyance reaches the position of any permanent obstruction to its free passage, except that in shaft sinking, inspection and maintenance operations the underwind protection may be dispensed with. Such device shall be so designed, installed and maintained as to provide positive protection at all times and to function at a definite point in the travel of the conveyance. No person shall alter the adjustment of any overwind or underwind device without proper authority.

Intermediate
obstruc-
tions.

(c) Where ore or waste dumps, loading boxes or spill doors are installed in any shaft at points other than

the upper and lower limits of the regular travel of the shaft conveyance and where any part of such dump box or door, when in the operating position, interferes with the free and unobstructed passage of the conveyance to points in the shaft beyond such dump boxes or doors, there shall be installed,

- (i) overwind and underwind protection, as required by clause *b* of rule 367 and rule 369 of this section, for permanent obstructions,
 - (ii) positive locking devices for maintaining such obstructions out of the operating position in the shaft, and
 - (iii) the manager or his agent of a mine employing such ore or waste dumps, loading boxes or spill doors shall provide an adequate procedure for the safe operation of such equipment, which shall be approved by the Chief Inspector.
- (*d*) A circuit-breaker will cut off the source of power and result in the automatic application of one or more brakes to bring the hoist to rest in the event of a predetermined overload. The circuit-breaker shall be installed on the supply side of the hoist reversing contactors or controllers. This circuit-breaker shall be equipped with overload, short-circuit and low-voltage protective devices. The control circuit shall be so arranged that the circuit-breaker will be opened by an emergency switch, as provided for in clause *g* of this rule. The overload device shall be set so as to open the circuit-breaker in the event of a pre-determined overload. Circuit-breaker.
- (*e*) A back-out switch will permit backing out of an overwind and underwind position only and will prevent the operation of the hoist in the improper direction for this purpose. Back-out switch.
- (*f*) An underwind by-pass switch may be installed, where necessary, which will allow the conveyance to be lowered through the underwind position, provided that such by-pass switch shall be held in the closed position by the hoistman and will return automatically to the open position when not so held. Underwind by-pass switch.
- (*g*) An emergency switch will, when opened, cause the circuit-breaker to cut off the source of power and apply automatically one or more brakes to bring Emergency switch.

the hoist to rest. The emergency switch shall be manually opened and closed and shall be installed in a position readily accessible to the hoistman.

Ammeter.

- (h) An ammeter in plain view of the hoistman will show the load on the hoist motor at all times.

Auxiliary overwind.

(368) (a) On all electric hoists used for hoisting men in skips or in skips of skip-cage assemblies, an auxiliary overwind device shall be installed which will prevent the conveyance being hoisted to the dumping position and which may be placed in operation at all times that men are carried; on hoists not used for hoisting men other than for shaft inspection or maintenance operations such auxiliary overwind device shall not be required.

(b) Except in shaft sinking such auxiliary overwind device shall be so installed that a distinctive signal will be automatically given to the men about to enter the conveyance when the device is put in operation. The auxiliary overwind device may be placed in operation either manually or automatically. In those cases where the device is automatically put into operation by the hoistman's return of the 3-bell signal, the circuit shall be so arranged that the failure of the relay coils will not render the device inoperative.

Warning signal.

(369) At every shaft exceeding three hundred feet in depth below the collar adequate provision shall be made whereby the hoistman is warned, audibly, of the arrival of the shaft conveyance at points in the shaft the distances of which from the top and bottom landing places are not less than the equivalent of three revolutions of the drum of the hoist. The warning signal shall be so arranged as to sound only when the hoisting conveyance is approaching the top or bottom landings, not leaving them.

Special testing.

(370) If the Electrical Inspector deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all electric overwind and underwind devices, signalling and warning devices and hoisting controls and equipment.

Electrical Hoisting Equipment Record Book.

(371) The owner or manager of a mine where an electric hoist is in use shall depute some competent person or persons whose duty it shall be to examine at least once in each week the hoist motor and control apparatus, electric safety devices and hoisting signalling equipment. The report of such examination shall be recorded in a book termed the Electrical Hoisting Equipment Record Book.

- (a) Such owner or manager shall keep or cause to be kept at the mine for each hoist a book termed the Electrical Hoisting Equipment Record Book in which shall be recorded a report of every such examination referred to in this rule and a notation of any failure or accident to such equipment and the action taken regarding it, signed by the person making the examination.
- (b) Such entries of the weekly examination shall be read and signed every week by the responsible person in charge of such equipment or accessories thereto.
- (c) A notation of the action taken regarding the report of any failure or accident to any part of the electrical equipment used in connection with the hoist or the signalling equipment shall be made over the signature of the responsible person in charge of such equipment or accessories thereto.
- (d) The Electrical Hoisting Equipment Record Book shall be made available to the Inspector at all times.

Lighting Fixtures.

(372) Electric fixtures, such as lamp sockets and lamp bases, plugs, receptacles, etc., shall be so installed that no current-carrying parts shall normally be exposed externally when these parts are within reach of grounded surfaces. Guarding live parts.

(373) The operating voltage of any lighting circuit shall not exceed 300 volts and the voltage to ground of any conductor shall not exceed 150 volts. This rule shall not apply in the case of electric locomotives and cranes using direct current. Voltage of lighting circuits.

(374) The neutral conductor on lighting circuits shall be identified by a white braid covering or other equivalent means. Identification of neutral conductors.

(375) In locations where exposed to dampness or mechanical injury, portable lamps shall have their sockets enclosed in wood or composition handles, through which the conductor shall be carried, and shall have a substantial wire cage which encloses the lamp. A hook for hanging the lamp shall be attached either to the cage or to the handle. Style permitted.

Wiring in Explosive Storages.

(376) All electrical wiring in explosive magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses shall be installed in rigid conduit with screwed water-tight joints, or shall be armoured lead-covered cable. All conduit, armour, fittings and fixtures shall be permanently Wiring in explosive storages.

grounded. Lighting fixtures shall be an approved dust-tight type.

Switches,
fuses.

(377) The switches and fuses for lighting, heating or telephone circuits for explosives magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be in a fireproof cabinet located outside the compartment in which explosives, fuses or detonators, or blasting caps are stored. Lighting circuits shall be fused at not more than 10 amperes.

Electric
heating.

(378) Where thaw houses, or cap and fuse houses are heated electrically, a hot-water system shall be used. The electric heater shall be installed outside the compartment in which the explosives are stored and the heater and radiators shall be grounded. Heater circuits shall be fused at not more than 125 per centum of normal current. Wire or grid-type heaters shall not be installed in or about any building in which explosives or detonators or blasting caps are stored or handled.

Electric Blasting Devices.

Electric
blasting
devices.

(379) The firing device used for firing shots with electricity from lighting or power cables shall be so arranged that,—

- (a) the switch mechanism will automatically return to the open position by gravity;
- (b) the live side of such device is installed in a fixed locked box and shall be accessible only to the authorized shot-firer;
- (c) provision is made that the leads to the face are short-circuited when the contacts of the shot-firing device are in the open position;
- (d) the box in which the shot-firing device and the short-circuiting device are mounted is provided with a lock and the door is so arranged that it cannot be closed or locked unless the contacts of the firing device are open and the short-circuiting device is in place;
- (e) where electricity from 550-volt circuits is used for shot-firing the device shall be electro-magnetically operated, except as provided in rule 89.

Precautions
re installa-
tion of
shot-firing
cables.

(380) When shot-firing cables or wires are installed in the vicinity of power or lighting cables, proper precautions shall

be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

(381) Circuits having a grounded conductor shall not be ^{Grounded} used for shot-firing. _{circuits.}

Telephones.

(382) Telephone or other signal apparatus which must be ^{Protecting} handled by persons and which is connected to overhead signal _{equipment.} circuits exposed by supply lines over 400 volts to ground shall be protected as follows:

(a) By fuses and arresters.

(b) All exposed non-current-carrying metal parts shall be permanently grounded; or, the apparatus shall be installed in such a way that a person using it will be obliged to stand on an insulated platform, in an insulated booth, or on other insulating surfaces.

(383) Telephone or signal apparatus which is connected ^{Protecting} to a line which parallels a supply circuit of high voltage in _{equipment} such a manner as to be exposed to induced voltage shall be ^{exposed to} protected by transformers and shall comply with the require- _{voltage.} ments of rule 382.

Cranes and Elevators.

(384) Readily accessible means shall be provided whereby ^{Disconnec-} all conductors and equipment located in or on cars or cranes _{tions for} may be disconnected entirely from the source of energy at a _{cars and} point as near as possible to the trolley or other current col- _{cranes.} lector.

(385) A circuit-breaker or switch, capable of interrupting ^{Switch} the circuit under heavy loads, shall be used unless the current _{required on} collector can be safely removed, under heavy loads, from the _{cars and} trolley wire. _{cranes.}

Storage Batteries.

(386) Storage batteries in rooms used also for other pur- ^{Protection of} poses shall be adequately guarded or enclosed. Means shall _{storage} be provided, if necessary, to prevent dangerous accumulations _{batteries.} of inflammable gas. Batteries whose operating voltage exceeds 50 volts shall be installed in conformity with the general rules covering equipment.

Trolleys and Portable Apparatus.

Guarding
trolley or
crane
collector
wires.

(387) Trolley or crane collector wires, whether indoors or out, shall, where practicable, be elevated at least eight feet above the ground level and be provided with suitable guards so arranged that persons cannot inadvertently touch the current-carrying parts while in contact with the ground or with conducting material connected to the ground.

Operating
voltage in
underground
workings,
tunnels,
etc.

(388) In underground workings, tunnels or under bins or in similar locations where trolley wires are necessarily less than eight feet above the rail level, the operating voltage shall not exceed 300 and the wires shall be effectively guarded to prevent accidental contact of person.

Warning
equipment.

(389) Every locomotive, engine, trolley or motor car used for hauling material either above or below ground shall be equipped with a headlight or headlights, and a whistle, bell, gong or horn, which shall be maintained at all times in proper working condition.

Control
levers.

(390) Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when the power is on.

Fire-fighting Appliances.

Fire ex-
tinguishers.

(391) Where installed electrical apparatus presents a fire hazard each room or space shall be provided with an adequate approved fire-extinguishing appliance, conveniently located and conspicuously marked. No chemical appliance which has not been approved for use on live parts shall be placed in any room containing electric apparatus or exposed lines unless a sign is mounted at the appliance warning against its use on electrical fires.

Underground Installations.

General rule.

(392) All rules that apply to surface installations shall apply equally to underground installations. The following are special rules applicable only to underground installations.

Control of
underground
feeders.

(393) Where electrical energy is taken underground, provision shall be made so that the current can be cut off on the surface. The control device shall not be accessible to unauthorized persons and, if not located in a supply station, shall be in a separate room or screened-off enclosure.

Test
certificate
necessary.

(394) All new cables purchased for the transmission of power underground at a potential in excess of 750 volts shall be accompanied by the manufacturer's certified report of insulation tests, a copy of which shall be filed with the Chief Inspector of Mines.

(395) (a) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per centum higher than the normal operating voltage. Rating of underground cables and circuit-breakers.

(b) All control devices designed to afford short-circuit protection on circuits exceeding 750 volts shall have a voltage rating of 50 per centum higher than normal operating voltage.

(396) The operating voltage on signal systems shall not exceed 150 volts to ground. One conductor of the two-wire signal circuit shall be grounded where the power supply is obtained from a transformer having a primary voltage in excess of 750 volts. The signal system may be operated with both conductors ungrounded when the supply is from a transformer having a primary voltage in excess of 750 volts, provided an insulating transformer having a one-to-one ratio is installed between the supply and the signal system. Voltage signal system.

(397) Where an electrical hoisting-signal system is installed at any shaft or winze there shall be a suitable, separate, audible signal system for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the sounds of the signals to the hoistman that they are easily distinguishable and it shall be so arranged that the hoistman can return the signal to the person giving the signal. Electric signal system.

(398) (a) Conductors for all circuits not over 150 volts to ground shall either be installed in standard conduits, armoured on non-inflammable casings, or securely tied to suitable insulators so that they do not touch any timbering or metal. On no account shall staples be used. Open-type wiring shall not be used in timbered shafts or winzes, except in cases of extreme emergency. Power conductors.

(b) All fixed conductors transmitting power underground at over 150 volts to ground shall be armoured or enclosed in standard conduit and substantially supported. Grounding of casings.

(399) The armouring or casings of all cables shall be bonded together so as to be electrically continuous and shall be connected at some point or points to a satisfactory ground on surface.

(400) Where the armouring or casings of cables do not provide an adequate grounding system for underground electrical equipment, a copper or other non-corrosive grounding conductor of adequate size shall be run from such equipment to a satisfactory ground on surface. Grounding of equipment.

(401) At all underground stations where any cable trans- Room or junction box.
mitting

mitting power at a potential exceeding 300 volts leaves the shaft, a room or junction box shall be provided into which such cable shall be run.

Junction or splice boxes.

(402) Junction boxes on any cable transmitting power at a potential exceeding 300 volts shall not be located in any shaft or winze or attached to any timbers at a shaft or winze station or in a headframe. Splice boxes for cable extension in a shaft or winze shall be of a type approved by the Inspector.

Terminals of lead-sheathed cables.

(403) All lead-sheathed cables shall be provided with properly sealed cable terminals to exclude moisture from the insulation.

Fire prevention about electrical installations.

(404) The bases of electric motors, transformers, starting equipment and other electrical apparatus and the compartments in which such are installed shall be of such material and constructed in such manner as to reduce the fire hazard to a minimum. No inflammable material shall be stored or placed in the same compartment with any such equipment or apparatus.

Electric heaters.

(405) Where lamps, wire or grid-type heaters are used underground they shall be so installed and protected as to prevent the heat generated from becoming a fire hazard.

Fire protection.

(406) Approved fire-extinguishing devices for use on electrical fires shall be provided and maintained in condition for immediate use. They shall be conveniently mounted at or in every place containing electrical apparatus having inflammable insulation or parts which, once ignited, can support combustion.

Transformers, type and location.

(407) The type and location of transformers installed underground shall be subject to the approval of the Electrical Inspector.

Transformers and transformer rooms.

(408) (a) All transformers over 2 kva, unless insulated with non-inflammable dielectric liquids or Class B or C insulation, when installed underground, shall be effectively isolated from the mine workings by enclosure in rooms constructed of fire-proof materials throughout. A door sill of not less than six inches in height shall be provided.

(b) No material or equipment of any kind, including air lines, air ducts, water or steam lines, shall pass through or terminate within the room other than that essential to the transformer installation or its proper operation and safety.

(c) The covers of the ventilation openings shall be held open by thermal fuse links and shall close by gravity; the door shall be constructed of steel or other suitable material.

(d) No transformer station shall be located within two hundred feet of any explosives storage.

(409) Adequate precautions shall be taken to prevent electrical signal or telephone wires, whether insulated or not, coming into contact with other electrical conductors. Protection of signal and telephone wires.

GENERAL.

(410) No person shall wilfully damage, or without proper authority remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, electrical equipment, fire-fighting equipment, first aid equipment or other appliance or thing provided in any mine in compliance with this Act. Wilful damage to property.

(411) No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion. Persons under the influence of or carrying liquor.

(412) Abstracts of the rules contained in this Act, authorized by the Chief Inspector, shall be posted up in suitable places at the mine or works where the same can be conveniently read and the owner or agent of the mine shall maintain such abstracts, duly posted, and the removal or destruction of the same shall be an offence against this Act. Abstracts of rules to be posted.

(413) The Minister may, under rules and regulations made by the Lieutenant-Governor in Council, prescribe the charges to be made for any record or log book required under the provisions of this section. Charges and fees.

TESTING LABORATORIES.

161. The Minister may, out of any moneys appropriated for the purpose, establish, maintain and operate a laboratory or laboratories for the purpose of testing or examining hoisting ropes or other appliances used about a mine and, under rules and regulations made by the Lieutenant-Governor in Council, may provide for,— Testing laboratories.

(a) the management and operation of such laboratory or laboratories;

(b) the charges to be paid for services performed in such laboratory or laboratories;

(c) such other purposes as to the Lieutenant-Governor in Council may seem proper.

PARTY WALL.

Party walls,
thickness of.

162.—(1) Except as provided in rule 33 of section 160, or unless the owners agree to dispense therewith, in all mining operations there shall be left between all adjoining properties a party wall at least fifteen feet thick (being seven and one-half feet on each property), to the use of which the adjoining owners shall be entitled in common.

Use in
common.

(2) The owners shall be entitled to use such party wall in common on surface as roadway for all purposes, and such roadway shall not be obstructed by the throwing of soil, rock or other material thereon, or in any other way, and any person obstructing the same in addition to any civil liability shall incur a penalty of not more than \$10 for every day such obstruction continues.

Dispensing
with.

(3) Any such adjoining owners may, in any case, apply to the Judge, who may make an order dispensing with such party wall or roadway, or providing for the working of any material therein, or otherwise as he may deem just.

Examination
of party wall.

(4) When the owner of a mine or mining property has reason to believe that a breach has been made in the party wall between his own and an adjoining property or that a trespass has been committed with respect thereto, the Judge may upon application to him authorize a competent and disinterested person to examine such party wall and for such purpose enter the said mine or mining property with an assistant or assistants and use if necessary the workings and appliances thereof, and the person so appointed shall immediately after such examination report in writing his findings to the Judge. The time when such examination shall be made and the cost thereof and any damage resulting therefrom shall be fixed by the order of the Judge.

Order for
closing
breach in
party wall.

(5) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine or by his workmen, servants or agents without permission of the owner of such first-mentioned mine or the authority of the Mining Court or the Department, the Judge upon the application of such first-mentioned owner may make an order directing the owner of such adjoining mine to permanently close such breach or do such other things as the Judge may deem necessary or advisable to prevent water flowing into the mine of the applicant, and if work has been discontinued in such adjoining mine, or if for any other reason he deems it expedient, the Judge may authorize the applicant to enter upon the adjoining mine and

into the works thereof and to erect bulkheads therein and do all such other things or make such use of the works of the adjoining mine as the Judge may deem necessary or advisable for the purpose of protecting the mine of the applicant and his workmen and employees from damage or danger from accumulations of water in the adjoining mine.

(6) The Judge for good cause shown and on such terms as ^{Varying order.} may seem just may by subsequent order at any time change, supplement, alter, vary or rescind any order made under the authority of this section.

NOTICE OF NON-FATAL ACCIDENTS.

163. Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes fracture or dislocation of any bones of the body, or any other injury which in the opinion of the attending physician may result in the injured person being incapacitated for work for at least seven days, to any person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the Inspector resident in that part of Ontario in which the mine or works are situate on the form prescribed for such purpose. ^{Notice of accident to be sent to Inspector.}

NOTICE OF SPECIAL OCCURRENCES.

164.—(1) Where in or about any mine,—

Idem.

- (a) any accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyances, or shaft or winze timbering;
- (b) any inrush of water from old workings or otherwise;
- (c) any failure of an underground dam or bulkhead, as defined by rule 53 of section 160;
- (d) any outbreak of fire below ground or any outbreak of fire above ground if it endangers any structure of the mine plant;
- (e) any premature or unexpected explosion or ignition of explosives;
- (f) any asphyxiation affecting a partial or total loss of physical control;
- (g) any inflammable gas in the mine workings; or
- (h) any unexpected and non-controlled extensive subsidence or caving of mine workings,

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after such occurrence, send notice in writing in duplicate to the District Inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the Inspector may require.

Notice of
occurrence
of fire and
need of
rescue
equipment.

(2) Where in or about any mine, an outbreak of fire occurs which endangers the health or safety of any person or persons and the services of the mine rescue stations are required, the owner, agent, manager or superintendent shall immediately notify the Rescue Station Superintendent and the District Inspector resident in that part of Ontario in which the mine is situate.

Rockburst.

(3) (a) Where a rockburst occurs whether or not loss of life or personal injury is caused thereby and the location of such rockburst is determined as being within the workings of any mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of such burst has been determined, send notice in writing to the District Inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereto as the Inspector may require.

Record of
rockbursts.

(b) A record of the occurrence of all rockbursts at a mine shall be kept showing, as far as possible the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst and such record shall be available at all times to the Inspector.

OTHER NOTICES AND INFORMATION.

Written
notice by
owner or
agent.

165.—(1) The owner or agent shall give or cause the manager or superintendent of a mine to give written notice to the Chief Inspector and to the District Inspector resident in the district in which the mine is situate,—

(a) of the intended installation of an initial mine hoisting plant or power plant and the name and address of the person in charge of the operation at least fourteen days prior to the commencement of work on such installation. The notice shall also give the lot, concession and township or the claim numbers of the ground on which operations are to commence and the specifications and layout of the headframe, buildings, hoist and equipment and power plant;

- (b) of the connection or reconnection of any mining electrical equipment with any source of electric energy controlled by any other person or persons at least fourteen days prior to such connection;
- (c) of the commencement or resumption after an interruption of one month or more, of mining operations within fourteen days after such commencement or resumption; and
- (d) of the closing down of the mine and that the requirements of subsection 1 of section 157 as to the fencing of the top of the shaft, entrances from the surface, pits and openings; the requirements of rule 59 of section 160 as to the disposal of explosives; the requirements of rule 267 of section 160 as to the abandonment of a shaft compartment for hoisting purposes and as to the removal and disposition of hoisting ropes; the requirements of clause *a* of rule 317 of section 160 as to the disconnection of the supply station from the power source and notification of same to Chief Inspector; and the requirements of clauses *a* and *b* of subsection 5 of section 167 as to the filing of plans and sections have been complied with within fourteen days of such closing down.

(2) The owner, manager or superintendent of a mine shall furnish to the Inspector resident in that part of Ontario where the mine is situate, all information which the Inspector may require for the purposes of the returns of such Inspector. Information
for
Inspector.

STATISTICAL RETURNS.

166.—(1) For the purpose of their tabulation under the instructions of the Minister the owner or agent of every mine, quarry or other works to which this Act applies shall, on or before the 15th day of January in every year, send to the Department a correct return for the year which ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister may by regulation prescribe. Statistical
returns by
owners or
agents of
mines.

(2) The owner or agent of every metalliferous mine shall, Monthly or
quarterly
returns.

if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Penalty.

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act.

MINE PLANS.

Plans to
be kept.

167.—(1) At every mine the owner or manager shall cause the following plans on a scale acceptable to the Chief Inspector to be kept up to a date not more than six months last past:

- (a) A surface plan showing the boundaries of the property, all lakes, streams, roads, railways, electric power transmission lines, main pipe lines, buildings, shaft openings, adits, open surface workings, diamond-drill holes, outcroppings of rock and dumps and tailing disposal sites.
- (b) Underground plans of each level showing all underground workings including shafts and tunnels, diamond-drill holes, dams and bulkheads. Each level plan shall be shown on a separate drawing.
- (c) Vertical mine sections at suitable intervals and at suitable azimuths, showing all shafts, tunnels, drifts, stopes, and other mine workings in relation to the surface including the location of the top of the bed-rock, surface of the overburden and the bottom and surface of any known water course or body of water. Each section shall be shown on a separate drawing.
- (d) Adequate ventilation plans, showing the direction and velocity of the main air currents, the location of permanent fans, ventilation doors and stoppings and connections with adjacent mines.

Idem.

(2) (a) The owner or manager at every mine in which electricity is used underground shall keep or cause to have kept up to a date not more than six months last past, an adequate plan or diagram showing on a suitable scale the following information:

- (i) The position of all fixed electrical apparatus in the mine.
- (ii) The routes of all fixed power feeders and fixed branch feeders properly noted and referenced.

- (iii) The rating of all electrical feeder control apparatus and equipment.

(b) Such plans or diagrams shall be available to the Inspector at all times and copies of such plans or diagrams shall be furnished him upon request.

(3) (a) On any examination or inspection of a mine the owner, manager or superintendent shall, if required, produce to the Inspector or other person authorized by the Minister or the Deputy Minister, all plans and sections of the workings, referred to in subsections 1 and 2. Marking subsequent progress on plan.

(b) The owner, manager or superintendent shall, if required by the Inspector or other person authorized by the Minister or the Deputy Minister, cause to be marked on such plans and sections the progress of the mine up to the time of the examination or inspection, and shall furnish him with a copy or tracing thereof.

(4) Certified copies of the plans required by clause *b* of subsection 1 and mine sections showing all shafts as required by clause *c* of subsection 1 shall be made and filed in the Department on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding. Plan of working mines to be filed.

(5) (a) Before a mine or any part of a mine is abandoned, closed down, or otherwise rendered inaccessible all underground plans and sections, referred to in clauses *b* and *c* of subsection 1, shall be brought up to date and a certified copy filed in the Department. Plans to be filed before abandonment.

(b) Before all work at a mine has ceased, the surface plan referred to in clause *a* of subsection 1, showing all openings to underground workings, shall be brought up to date and a certified copy filed in the Department.

(6) The owner of every mine, quarry or other works to which this section applies shall be responsible for compliance with the provisions thereof and every owner or other person who fails to comply with any of the provisions of this section, or who produces to the Inspector or other authorized person, or files or causes to be produced or filed a plan which to his knowledge is false in any particular, shall be guilty of an offence against this Act. Responsibility of owner.

(7) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited nor shall any information contained Plans to be treated as confidential.

therein be imparted to any person except with the written permission of the owner or agent of the mine.

POWERS AND DUTIES OF INSPECTOR.

Powers of
Inspector.

168.—(1) It shall be the duty of every Inspector, and he shall have power,—

Inquiries as
to com-
pliance with
Act.

(a) to make such examination and inquiry as he may deem necessary to ascertain whether the provisions of this Act are complied with; and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice to be dangerous or defective or contrary to the provisions of this Act, and to require the same to be remedied within the time named in such notice;

Inspection:

(b) to enter, inspect and examine any mine and any portion thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine;

Stopping
work when
men unsafe.

(c) to order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary; and

General
powers for
protection
of persons.

(d) to exercise such other powers as he may deem necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works.

Reports of
Inspectors.

(2) It shall be the duty of every Inspector to make a report of every examination and inquiry made in the course of his duty during the year to the Minister, the Deputy Minister or the Chief Inspector as required by the circumstances immediately upon the completion of such examination or inquiry.

SPECIAL REPORT.

Special
Report.

169.—(1) The Minister may direct the Inspector to make a special report with respect to any accident in or about a mine which has caused the loss of life or injury to any person, or with respect to any condition in or about a mine.

Inspectors
may take
evidence.

(2) In conducting the inquiry the Inspector shall have power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath.

OFFENCES.

170.—(1) Non-compliance with any written order of an Inspector issued in accordance with section 168 shall be deemed an offence against Part VIII.

(2) Failure to give written notice of the completion of any work in accordance with any written order of an Inspector issued under section 168 shall be deemed an offence against Part VIII.

14.—(1) Subsections 1 and 2 of section 174 of *The Mining Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 174,
subs. 1, re-
enacted;
subs. 2,
repealed.

(1) An owner, agent or other person who is guilty of an offence against Part VIII shall incur a penalty of not more than \$1,000.

Penalty
for offence
against
Part VIII.

(2) Subsection 4 of the said section 174 is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 174,
subs 4, re-
enacted.

(4) An owner, agent or other person shall upon conviction be liable to imprisonment for a period not exceeding three months unless the penalty and costs are sooner paid.

Imprison-
ment.

15. Subsection 2 of section 176 of *The Mining Act* is repealed.

Rev. Stat.,
c. 47, s. 176,
subs. 2,
repealed.

16. Section 176f of *The Mining Act*, as enacted by section 4 of *The Mining Amendment Act, 1939 (No. 2)*, is repealed.

Rev. Stat.,
c. 47, s. 176
(1939,
2nd Sess.,
c. 5, s. 4),
repealed.

17. Section 180 of *The Mining Act* is amended by striking out the first ten lines and inserting in lieu thereof the following:

Rev. Stat.,
c. 47, s. 180,
amended.

180. The Minister may out of moneys appropriated for the purpose acquire and construct and under regulations approved by the Lieutenant-Governor in Council operate laboratories and works for the sampling, assaying, testing, analysing and determining of ores and minerals and the rules and regulations may provide for,—

Sampling,
assaying,
testing
works.

.

18.—(1) Subsection 1 of section 186 of *The Mining Act* is repealed.

Rev. Stat.,
c. 47, s. 186,
subs. 1,
repealed.

(2) Subsection 2 of the said section 186 is amended by inserting after the word "work" in the second line the words "as required by *The Mines Act*, being chapter 36 of the

Rev. Stat.,
c. 47, s. 186,
subs. 2,
amended.

Revised Statutes of Ontario, 1897, or any other Act", so that the said subsection shall now read as follows:

Forfeiture
of leases
under Rev.
Stat. 1897,
c. 36.

- (2) Where the Minister finds that no proof has been submitted that the expenditure for work, as required by *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897, or any other Act, upon the lands leased has been made, the Minister by registered letter directed to the lessee or his assignee at his last known address as recorded in the Department, may call upon the lessee or his assignee to submit such proof by way of affidavit or otherwise within any period not less than thirty days named in the letter, and if after the expiration of such period such proof has not been submitted the Minister may by notice in the *Ontario Gazette* declare such lease to be forfeited and void and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns, shall be deemed to have ceased and determined and the land included in such lease shall be revested in the Crown freed and discharged from every claim.

Rev. Stat.,
c. 47,
amended.

19. *The Mining Act* is amended by adding thereto the following section:

Voluntary
surrender
of mining
lands.

189. The owner, lessee or licensee of any mining lands or mining rights granted under this Act or any other Act may voluntarily surrender such lands or mining rights to the Crown and thereupon the Minister may cause a notice of determination to be filed in the proper Land Titles or Registry Office and thereafter such lands or mining rights shall be open for prospecting, staking out, sale or lease.

Rev. Stat.,
c. 47,
Sched. A,
items 3, 4, 5,
25, 26, 27,
repealed.

20.—(1) Items 3, 4, 5, 25, 26 and 27 of Schedule A to *The Mining Act* are repealed.

Rev. Stat.,
c. 47,
Sched. A,
item 7,
amended.

(2) Item 7 of the said Schedule A is amended by striking out the words "for a mining partnership or" in the first line, so that the said item shall now read as follows:

License
fees.

7. Whenever a miner's license for a company is issued on or after 1st October in any year, the fee shall be only one-half the amount above specified.

Short title.

21. This Act may be cited as *The Mining Amendment Act, 1948*.

CHAPTER 57.

An Act to amend The Mining Tax Act.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Mining Tax Act*, as re-enacted by Rev. Stat., c. 28, s. 14 (1946, c. 56, s. 3), amended.
section 3 of *The Mining Tax Amendment Act, 1946*, is amended by adding thereto the following subsections:

- (6) No such tax shall be payable in respect of a mining claim or mining location where the owner has executed and filed with the Deputy Minister of Mines a conveyance to the Crown of the mining rights in, upon and under the same. Where tax not payable.
- (7) Where the mine assessor is satisfied that the surface rights in respect of a mining claim or mining location are being used for purposes other than that of mining or the mineral industry, this Act shall apply only to the mining rights. Where Act applicable to mining rights only.

2. Subsection 7 of section 20 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 20, subs. 7, re-enacted.

- (7) Any such certificate may be registered in the proper registry or land titles office, and thereupon *The Registry Act* or *The Land Titles Act*, as the case may be, shall cease to apply to the land affected thereby, and the registrar or local master of titles shall note the fact in his register in red ink. Registration of certificate. Rev. Stat., cc. 170, 174.

3. Section 26 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 26, re-enacted.

- 26.—(1) Every person producing natural gas shall be liable for and pay an annual tax as follows: Tax on natural gas.

- (a) Where exported from Canada—two cents a thousand cubic feet.

(b) Where consumed in Canada—one-half cent a thousand cubic feet.

Remission
of tax.

(2) The Minister may remit the annual tax to the extent of \$250 on natural gas consumed in Canada.

Rev. Stat.,
c. 28, s. 46,
re-enacted.

4. Section 46 of *The Mining Tax Act* is repealed and the following substituted therefor:

Remission
of tax on
iron ore
profits.

46. The Minister may remit the tax upon the profits arising out of the mining of iron ore where he is satisfied that such iron ore has been smelted in Canada or delivered to a blast furnace therein for the purpose of being smelted.

Short title.

5. This Act may be cited as *The Mining Tax Amendment Act, 1948*.

CHAPTER 58.

The Mothers' Allowances Act, 1948.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "allowance" means allowance under this Act; "allowance";
- (b) "beneficiary" means a person receiving an allowance; "beneficiary";
- (c) "Commission" means The Mothers' Allowances Commission provided for in this Act; "Commission";
- (d) "investigator" means any person designated as such under the regulations; "investigator";
- (e) "local authority", where there is a welfare unit means the public welfare administrator, and where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint, and in unorganized territory means an investigator; "local authority"
- (f) "local board" means local board provided for in the regulations; "local board";
- (g) "Minister" means Minister of Public Welfare; "Minister";
- (h) "permanently unemployable" means permanently unemployable by reason of mental or physical disability; and "permanently unemployable";
- (i) "regulations" means regulations made under this Act. R.S.O. 1937, c. 313, s. 1, cl. d; 1946, c. 59, s. 1, amended. "regulations".

2.—(1) Subject to this Act and the regulations a monthly allowance may be paid towards the support of the dependent children of a mother who,—

Conditions
under which
allowance
may be paid.

- (a) is a widow, or the wife of a man who is permanently unemployable, or of a man who has deserted her and has not been heard of for at least one year;
- (b) was resident in Ontario at the time of the death, permanent unemployability or desertion by the father of the child or children on whose behalf the allowance is to be made, and for a period of two years immediately prior to the application for an allowance;
- (c) is resident in Ontario at the time of the application for an allowance;
- (d) continues to reside in Ontario with her dependent children while in receipt of an allowance; and
- (e) has resident with her one or more of her own children under sixteen years of age and has not adequate means to care properly for such child or children without the assistance of an allowance. R.S.O. 1937, c. 313, s. 2 (1); 1946, c. 59, s. 2 (1), *amended*.

Where husband permanently unemployable.

(2) Where a mother who otherwise qualifies for an allowance has a permanently unemployable husband, an allowance may be granted for the husband in the same amount and manner as though the husband were a dependent child, provided that the allowance for the husband shall cease when the youngest child becomes sixteen years of age. . *New*.

Allowance to foster mother.

(3) A like allowance may be paid to a woman who is resident as aforesaid and has resident with her one or more orphan children under sixteen years of age and is the grandmother, sister, aunt or other suitable person acting as the foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance. R.S.O. 1937, c. 313, s. 2 (2), *amended*.

Reaching sixteen years of age during school year.

(4) Where a child in respect of whom an allowance is being paid is attending school and reaches the age of sixteen years during the school year, the allowance shall, subject to this Act and the regulations, continue to be paid until the conclusion of the school year unless the child sooner ceases to attend school. 1946, c. 59, s. 2 (2), *amended*.

Allowance in special cases.

(5) In cases presenting special circumstances where investigation has shown the advisability of an allowance being granted to the children dependent upon a mother or foster mother who is not strictly eligible under the terms of this section, the Lieutenant-Governor in Council may direct the payment of an allowance and fix the amount thereof, not-

withstanding that such payment is not expressly provided for in this Act. R.S.O. 1937, c. 313, s. 2 (3), *amended*.

3.—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as ^{Mothers' Allowances Commission.} The Mothers' Allowances Commission.

(2) When the Commission consists of more than one person ^{Chairman.} the Lieutenant-Governor in Council may designate one of them as chairman.

(3) When the Commission consists of three persons, a ^{Quorum.} majority shall be a quorum. *New.*

4. It shall be the duty of the Commission,— ^{Duties of Commission.}

(a) to receive applications for allowances; and

(b) to determine the eligibility of each applicant to receive an allowance, and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. R.S.O. 1937, c. 313, s. 3, *amended*.

5. Subject to the right of the Commission to rescind or ^{Decisions final.} amend any determination or direction made by it, every determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. R.S.O. 1937, c. 313, s. 7, *amended*.

6. The Lieutenant-Governor in Council may make regula- ^{Regulations.} tions,—

(a) prescribing the maximum amounts of allowances;

(b) providing for the payment of the whole or part of the cost of providing medical and dental services to beneficiaries and their dependants under this Act;

(c) governing the manner of making application for an allowance;

(d) providing for the suspension and cancellation of allowances;

(e) providing for the designation of persons as investigators and prescribing their powers and duties;

(f) prescribing the powers and duties of local authorities;

(g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;

(h)

- (h) providing for the appointment of local boards and prescribing their powers and duties;
- (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
- (j) providing for the making of investigations respecting persons to whom allowances may be paid or who are in receipt of allowances or by whom or on whose behalf application has been made for an allowance;
- (k) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of an allowance;
- (l) fixing the intervals at which and the manner in which allowances shall be paid;
- (m) prescribing forms for use under this Act; and
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act. R.S.O. 1937, c. 313, s. 11, *amended*.

Local
author-
ities,—
appoint-
ment of;

7.—(1) Where there is no welfare unit, the council of any municipality may, subject to the approval of the Minister, appoint any person as the local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be the local authority.

taking
affidavits.

Rev. Stat.,
c. 121.

(2) Every local authority shall, for the purposes of this Act, be a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. *New*.

Allowances
and ex-
penses,—
how payable.

8. Allowances and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 313, s. 5; 1938, c. 37, s. 15 (1), *amended*.

Rev. Stat.,
c. 313;
1938, c. 37,
s. 15,
1946, c. 59,
repealed.

9. *The Mothers' Allowances Act*, section 15 of *The Statute Law Amendment Act, 1938*, and *The Mothers' Allowances Amendment Act, 1946*, are repealed.

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Mothers' Allowances Act, 1948*.

CHAPTER 59.

An Act to amend The Municipal Act.

*Assented to March 31st, 1948.**Section 6 assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 44c of *The Municipal Act*, as re-enacted by subsection 1 of section 3 of *The Municipal Amendment Act, 1947*, is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 44c (1947, c. 69, s. 3 (1)), amended.

(1a) Where, in an improvement district, a high school district is established and a separate school is maintained, one of the trustees appointed under subsection 1 shall be a separate school supporter. Special provision re trustees.

(2) Subsection 4 of the said section 44c is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 44c, subs. 4 (1947, c. 69, s. 3 (1)), re-enacted.

(4) The board, with respect to the improvement district, shall function as every local board, except a separate school board, within the meaning of *The Department of Municipal Affairs Act*. Board deemed to be local boards. Rev. Stat., c. 59.

2.—(1) Clause *f* of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "an electric railway, street railway or steam railway" in the fourth line and inserting in lieu thereof the words "a transportation system", so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 53, subs. 1, cl. f, amended.

(f) a person other than the head of the council who is a member of a board or commission appointed or elected for the construction, management or control of a transportation system which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, and this clause shall have effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation.

Rev. Stat.,
c. 266, s. 53,
subs. 6,
amended.

(2) Subsection 6 of the said section 53 is amended by striking out the words "an electric railway, street railway or steam railway" in the fourth and fifth lines and inserting in lieu thereof the words "a transportation system", so that the said subsection shall now read as follows:

Appoint-
ments to two
commissions,
etc.

- (6) Notwithstanding the provisions of clause *f* of subsection 1 and of section 37 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of a transportation system mentioned in said clause *f* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility.

Rev. Stat.,
cc. 62, 286.

3. Subsection 1 of section 65 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1947*, is amended by striking out the figure and letters "1st" in the eighth line and inserting in lieu thereof the figure and letters "2nd", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 65,
subs. 1
(1947,
c. 69, s. 9),
amended.

Power to fix
nomination
and polling
days.

- (1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 171,
subs. 2,
amended.

4.—(1) Subsection 2 of section 171 of *The Municipal Act* is amended by striking out the figures "76" in the fifth line and inserting in lieu thereof the figures "65", so that the said subsection shall now read as follows:

In office of
mayor, reeve
and deputy
reeve in
towns and
villages.

- (2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the 1st day of November in any year or after the 1st day of October where a by-law has been passed under section 65, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term.

(2) Subsection 3 of the said section 171 is amended by striking out the figures "76" in the third line and inserting in lieu thereof the figures "65", so that the said subsection shall now read as follows:

- (3) Where a vacancy occurs in the office of councillor after the first day of November in any year or after the 1st day of October where a by-law has been passed under section 65 and an election has not been ordered in a judicial proceeding, it shall not be necessary that the vacancy be filled if the council so directs.

Rev. Stat.,
c. 266, s. 171,
amended.
When
vacancy
need not be
filled.

5. Section 190 of *The Municipal Act* is amended by striking out the words "in chambers" in the first line, so that the said section shall now read as follows:

190. The judge or master forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer of the court, there to remain of record as a judgment of the court, and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus.

Judgment
to be re-
turned to
proper
officer
of court.

6.—(1) Subsection 3 of section 224 of *The Municipal Act* is amended by striking out the figures "200,000" in the second line and inserting in lieu thereof the figures "150,000", so that the said subsection shall now read as follows:

- (3) Where the population of a city exceeds 100,000, but is less than 150,000, the salary shall not exceed for each member of the board the sum of \$2,500 per annum.

(2) The said section 224 is further amended by adding thereto the following subsection:

- (3a) Where the population of a city exceeds 150,000, but is less than 200,000, the salary shall not exceed for each member of the board the sum of \$3,500 per annum.

Rev. Stat.,
c. 266, s. 224,
amended.

7. Subsection 2 of section 304 of *The Municipal Act* is amended by striking out the words "income and" in the fourth line, so that the said subsection shall now read as follows:

- (2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality or any part of it, shall include business assessment as defined by *The Assessment Act*.

Rev. Stat.,
c. 266, s. 304,
subs. 2,
amended.

Rev. Stat.,
c. 272.

Rev. Stat.,
c. 266, s. 305,
subs. 6,
amended.

8. Subsection 6 of section 305 of *The Municipal Act* is amended by striking out the words and figures "subsections 4 and 5" in the first line and inserting in lieu thereof the word and figure "subsection 5", so that the said subsection shall now read as follows:

Amount to
be raised
annually.

(6) In the cases provided for by subsection 5, the by-law shall provide for raising in each year in which an instalment becomes due by a special rate on all the rateable property in the municipality, a specific sum sufficient to pay it when and as it becomes due.

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. i,
repealed.

9. Clause *i* of subsection 3 of section 307 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266,
ss. 360, 361,
repealed.

10. Sections 360 and 361 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 388,
subs. 1,
amended.

11.—(1) Subsection 1 of section 388 of *The Municipal Act* is amended by striking out all the words after the word "apartments" in the second line, so that the said subsection shall now read as follows:

Custody of
gaols.

(1) The sheriff shall have the care of the county gaol, gaol offices and yard and gaoler's apartments.

Rev. Stat.,
c. 266, s. 388,
subs. 2, re-
enacted.

(2) Subsection 2 of the said section 388 is repealed and the following substituted therefor:

Appointment
of gaoler,
etc.

(2) The Lieutenant-Governor in Council may appoint the gaoler, gaol surgeon and other gaol employees, and fix their salaries which shall be paid by the county or city, as the case may be.

Sick leave
credits.

(3) The county or city shall establish the same system of credits and payments for regular attendance of the gaoler and gaol employees, as is provided for in the regulations under *The Public Service Act, 1947*.

1947, c. 89.

Workmen's
compensa-
tion.
Rev. Stat.,
c. 204.

(4) For the purposes of *The Workmen's Compensation Act*, every gaoler and gaol employee shall be deemed to be an employee of the county or city as the case may be.

"Gaol
surgeon".

(5) For the purposes of subsections 3 and 4, a gaol surgeon shall be deemed not to be a gaol employee.

Rev. Stat.,
c. 266 s. 404,
para. 1,
re-enacted.

12.—(1) Paragraph 1 of section 404 of *The Municipal Act* is repealed and the following substituted therefor:

Sports.

1. For aiding athletic or aquatic sports, and for making grants or gifts to persons in recognition of outstanding

achievements in athletic, aquatic or other games or contests.

(2) Paragraph 2a of the said section 404, as enacted by subsection 1 of section 48 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 404, para. 2a (1946, c. 60, s. 48 (1)), re-enacted.

2a. For carrying on any community or joint community programme of recreation within the meaning of the regulations under *The Department of Education Act*, and for expending money or for granting money in aid for such purposes. Community programmes. Rev. Stat., c. 356.

(3) The said section 404 is further amended by adding thereto the following paragraph: Rev. Stat., c. 266, s. 404, amended.

Oil Pipes, etc., on Highways.

48a. Notwithstanding any other Act, for laying, or maintaining, or for authorizing any person to lay, use or maintain pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon. Laying of pipes for oil, etc.

(a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes.

(4) Every agreement now in force with respect to pipes or conduits that conforms with paragraph 48a of section 404 of *The Municipal Act*, as enacted by subsection 3 of this section shall be deemed to have been made pursuant to the authority of the said paragraph. Present agreements.

13.—(1) Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat., c. 266, s. 405, amended.

Firemen, etc.

30b. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire, hook-and-ladder, and property saving companies. Establishing fire companies, etc.

Pits and Quarries.

Pits and
quarries.

39b. For prohibiting the making of pits and quarries in the municipality or regulating the location of them, provided that the making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation.

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Stables, etc.

Location of
stables,
garages, etc.

44a. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

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Naming and Surveying Streets.

Marking the
boundaries
of and
naming
streets, etc.

47c. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

Proceedings
for changing
names of
streets.

- (a) A by-law for changing the name of a highway shall not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.

- (e) If the judge approves of the change he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration.

Traffic on Highways, etc., Driving of Cattle, etc.

- 47d. Subject to the provisions of *The Highway Traffic Act* Regulating traffic. Rev. Stat. c. 288. for regulating traffic on the highways, and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction.

- (a) A by-law under this paragraph may provide a Expedient procedures authorized for parking offences. procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened, and if payment is not made in accordance with the procedure subsection 2 of section 520 shall apply.

- 47e. For setting aside and designating in a suitable Safety zones. visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

Children Riding behind Vehicles.

- 63a. For prohibiting children from riding on the plat- Prohibiting children from riding behind waggons, etc. forms of cars, or riding behind or getting on waggons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes.

Sidewalks—Horses and Cattle upon.

- 63b. For prohibiting the leading, riding or driving of Driving, etc., upon sidewalks. horses or cattle upon sidewalks or in other places not proper therefor.

(2) Paragraph 47a of the said section 405, as enacted by Rev. Stat., c. 266, s. 405, para. 47a (1947, c. 69, s. 32, subs. 1), repealed. subsection 1 of section 32 of *The Municipal Amendment Act, 1947*, is repealed.

Rev. Stat.,
c. 266, s. 407
para. 3, re-
enacted.

14.—(1) Paragraph 3 of section 407 of *The Municipal Act*, as amended by section 8 of *The Municipal Amendment Act, 1938*, is repealed and the following substituted therefor:

Regulation
etc., of
heating
plant and
equipment.

3. For regulating, controlling and inspecting all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Rev. Stat.,
c. 266, s. 407,
paras. 10, 15,
39, 42, 44, 46,
47, 48, re-
pealed.

(2) Paragraphs 10, 15, 39, 42, 44, 46, and paragraphs 47 and 48 as amended by subsections 3 and 4 respectively of section 51 of *The Municipal Amendment Act, 1946*, of the said section 407 are repealed.

Rev. Stat.,
c. 266, s. 407,
amended.

(3) The said section 407 is further amended by adding thereto the following paragraph:

Strayed Pigeons.

Strayed
pigeons.

53. For empowering officers of the municipality, upon the complaint of the owner or occupant of any premises, to enter upon such premises and the land and buildings in the vicinity thereof, for the purpose of trapping, removing or exterminating strayed pigeons which are causing annoyance to the owner or occupant or damages to such premises.

Rev. Stat.,
c. 266, s. 408,
para. 6, cl. b
(1946,
c. 60, s. 52),
amended.

15. Clause *b* of paragraph 6 of section 408 of *The Municipal Act*, as re-enacted by section 52 of *The Municipal Amendment Act, 1946*, is amended by inserting after the word “and” in the sixth line the words “the by-law may require that”, so that the said clause shall now read as follows:

Ticket
showing
weight
required.

- (*b*) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after the same is weighed or measured in accordance with the by-law, and the by-law may require that the amount so specified and the ticket shall be delivered to the purchaser.

Rev. Stat.,
c. 266, s. 420,
para. 14,
amended.

16.—(1) Paragraph 14 of section 420 of *The Municipal Act*, as amended by subsection 3 of section 15 of *The Municipal Amendment Act, 1941*, is further amended by inserting after

the word "licenses" in the second line the words "and for revoking such licenses", and by adding at the end of clause *a* the words "or for washing or cleaning motor vehicles", so that the said paragraph shall now read as follows:

14. For licensing and regulating the owners of public garages, and for fixing the fees for such licenses, and for revoking such licenses, and for imposing penalties for breaches of such by-law and for the collection thereof.

Public
garages,—
licensing,
etc.

- (a) For the purpose of this paragraph, a public garage shall include a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles.

- (2) The said section 420 is further amended by adding thereto the following paragraph:

Rev. Stat.,
c. 266, s. 420,
amended.

Licensing Public Baths.

- 16a. For licensing, regulating and governing owners or keepers of any class or classes of public bath premises operated for profit, and for revoking any such license.

Public bath
premises.

- 17.**—(1) Paragraphs 7, 9 and 10, paragraph 10a as enacted by subsection 3 of section 54 of *The Municipal Amendment Act, 1946*, paragraphs 11, 12 and 13, and paragraph 13a as enacted by subsection 3 of section 54 of *The Municipal Amendment Act, 1946*, of section 423 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 423,
paras. 7, 9,
10, 10a
(1946, c. 60,
s. 54 (3)),
11, 12, 13,
13a
(1946, c. 60,
s. 54 (3)),
repealed.

- (2) Paragraph 16 of the said section 423, as amended by subsection 2 of section 54 of *The Municipal Amendment Act, 1946*, is further amended by striking out the figure "4" in the second line, so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 423,
para. 16,
amended.

16. For exercising the powers conferred on cities and towns by paragraphs 12 and 13 of section 414.

Engineers
and lending
libraries.

- 18.** Paragraph 12 of section 425 of *The Municipal Act* is amended by striking out all the words after the word "thereof" in the third line, so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 425,
para. 12,
amended.

12. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof.

Erecting
and main-
taining
weighing
machines.

Rev. Stat.,
c. 266, s. 426,
cls. *f*, *g*,
repealed.

19.—(1) Clauses *f* and *g* of section 426 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 426,
cl. *h*,
amended.

(2) Clause *h* of the said section 426 is amended by striking out the word "*Junk*" in the first line and inserting in lieu thereof the word "*Salvage*", so that the said clause shall now read as follows:

(*h*) Section 430, under the heading "*Salvage and Second-hand Shops, etc.*"

Rev. Stat.,
c. 266, s. 428
(1947, c. 41),
amended.

20. Section 428 of *The Municipal Act*, as enacted by section 41 of *The Municipal Amendment Act, 1947*, is amended by adding thereto the following paragraph:

Boat livery
keepers.

3. For licensing, regulating and governing persons keeping boats for hire, and for regulating and inspecting boats kept by such person, and for revoking any such license.

Rev. Stat.,
c. 266, s. 433,
para. 1, cl. *a*
(1947,
c. 69, s. 42,
subs. 2),
amended.

21.—(1) Clause *a* of paragraph 1 of section 433 of *The Municipal Act*, as re-enacted by subsection 2 of section 42 of *The Municipal Amendment Act, 1947*, is amended by adding the word "*or*" at the end of subclause iii, and by adding thereto the following subclauses:

(iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or

(v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.

so that the said clause shall now read as follows:

When license
not required.

(*a*) No such license shall be required for hawking, peddling or selling goods, wares or merchandise,

(i) to wholesale or retail dealers in similar goods, wares or merchandise, or

(ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do,

in the municipality in which the grower, producer or manufacturer resides, or

- (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or
- (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or
- (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.

(2) Clause *g* of paragraph 1 of the said section 433 is amended by striking out all the words after the word "resided" in the seventh line and inserting in lieu thereof the words "but no license fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department of Municipal Affairs", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 433,
para. 1, ol. *g*,
amended.

- (g) The fee to be paid for the license under by-laws ^{Fees.} passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but no license fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department of Municipal Affairs.

22.—(1) Paragraph 3*g* of section 439 of *The Municipal Act*, as enacted by section 59 of *The Municipal Amendment Act, 1946*, is amended by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 439,
para. 3*g*
(1946,
c. 60, s. 59),
amended.

- (b) No by-law prescribing a license fee,
 - (i) in excess of \$10 per cabin with a maximum of \$100, for a tourist camp, or
 - (ii) in excess of \$100 for a trailer camp,

shall come into force or take effect until approved by the Department of Municipal Affairs.

(2) Paragraph 5 of the said section 439 is amended by striking out the words "income or" in the third line, so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 439,
para. 5,
amended.

Licensing
and regu-
lating
transient
traders.

5. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

Rev. Stat.,
c. 266, s. 439,
para. 6,
amended.

- (3) Paragraph 6 of the said section 439 is amended by striking out the words "income or" in the third line, so that the first five lines of the said paragraph shall now read as follows:

Requirement
as to obtain-
ing license
before doing
business.

6. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade.

Rev. Stat.,
c. 266, s. 440,
para. 2,
amended.

23. Paragraph 2 of section 440 of *The Municipal Act* is amended by striking out the word "junk" in the first line and inserting in lieu thereof the word "salvage", so that the said paragraph shall now read as follows:

Salvage
shops buy-
ing from
minors.

2. For prohibiting keepers of second-hand shops or salvage stores or shops, directly or indirectly purchasing from, exchanging with, or receiving in pledge from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods, or articles.

Rev. Stat.,
c. 266, s. 507,
para. 3,
amended.

24. Paragraph 3 of section 507 of *The Municipal Act* is amended by inserting after the word "sidewalks" in the ninth line the words "and canopies which project over the sidewalks", and by inserting after the word "device" in the fourth line of clause *b* thereof the words "or canopy", so that the said paragraph shall now read as follows:

Areas and
openings
under
highways.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks, and canopies which project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made,

constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, or otherwise as may be required by the by-law.

- (a) Such annual or other charge and any expense ^{Annual charge for.} incurred by the corporation in restoring the highway to its former condition shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.
- (b) The corporation shall be liable for any want ^{Liability of corporation for damages.} of repair of the highway which may result from the construction, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, or canopy, but shall be entitled to the remedy over provided for by section 486 against the person by whose act or omission the want of repair is caused.

25. Section 525 of *The Municipal Act*, as amended by ^{Rev. Stat. c. 266. s. 525. re-enacted.} section 48 of *The Municipal Amendment Act, 1944* and section 67 of *The Municipal Amendment Act, 1946*, is repealed and the following substituted therefor:

525. Where any by-law of a municipality or of a local ^{Power to restrain by action.} board thereof, passed under the authority of this or any other general or special Act, is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation or local board.

26. This Act shall come into force on the 1st day of June, ^{Commencement of Act.} 1948.

27. This Act may be cited as *The Municipal Amendment* ^{Short title.} *Act, 1948.*

CHAPTER 60.

An Act to amend The Natural Gas Conservation Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Natural Gas Conservation Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 49, s. 4,
amended.

(ff) the designation of any area as a gas storage area and the prohibition therein of the drilling or operating of natural gas wells without his written consent.

2. This Act may be cited as *The Natural Gas Conservation Amendment Act, 1948.* Short title.

CHAPTER 61.

An Act to amend The Negligence Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Negligence Act* is amended by adding thereto the following section: Rev. Stat., c. 115, amended.

2a. A tortfeasor may recover contribution or indemnity Recovery as between tortfeasors. from any other tortfeasor who is, or would if sued have been, liable in respect of the damage to any person suffering damage as a result of a tort by settling with the person suffering such damage, and thereafter commencing or continuing action against such other tortfeasor, in which event the tortfeasor settling the damage shall satisfy the court that the amount of the settlement was reasonable, and in the event that the court finds the amount of the settlement was excessive it may fix the amount at which the claim should have been settled.

2. Section 5 of *The Negligence Act*, as amended by section 23 of *The Statute Law Amendment Act, 1939*, is repealed and Rev. Stat., c. 115, s. 5, re-enacted. the following substituted therefor:

5.—(1) Where a defendant claims to be entitled to contribution or indemnity from any person not a party Adding defendant by praecipe; to the action he may, within ten days of the entry of his appearance, add such person as a defendant upon praecipe and within ten days thereafter or within such longer period as may be ordered shall serve the amended writ upon the added defendant who shall appear thereto as though he were originally a party to the action.

(2) Where it appears that any person not already by order. a party to an action is or may be wholly or partly responsible for the damages claimed, and the time for adding him as a defendant under subsection 1 has

elapsed, such person may be added as a defendant upon such terms as may be deemed just.

Claim
against
added
defendant.

- (3) Where a person is added as a defendant under this section he shall continue in the action as a defendant notwithstanding that the plaintiff makes no claim against him.

Adding
third party
by order.

- 5a. Where it appears that any person not already a party to an action is or may be wholly or partly responsible for the damages claimed and the time has elapsed for adding him as a third party under the rules of court, such person may be added as a third party to the action upon such terms as may be deemed just.

Rev. Stat.,
c. 115,
amended.

3. *The Negligence Act* is amended by adding thereto the following section:

Limitation
of actions.

8. Where an action is commenced against a tortfeasor or where a tortfeasor settles with a person who has suffered damage as a result of a tort, within the period of limitation prescribed for the commencement of actions by any relevant statute, no proceedings for contribution or indemnity against another tortfeasor shall be defeated by the operation of any statute limiting the time for the commencement of action against such other tortfeasor provided,—

(a) such proceedings are commenced within one year of the date of the judgment in the action or the settlement, as the case may be; and

(b) there has been compliance with any statute requiring notice of claim against such tortfeasor.

Commence-
ment of s. 2.

4. Section 2 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

5. This Act may be cited as *The Negligence Amendment Act, 1948*.

CHAPTER 62.

An Act to amend The Northern Development Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Northern Development Act* is amended by adding thereto the following section: Rev. Stat.,
c. 34,
amended.

4a. The Lieutenant-Governor in Council may from time to time appoint an assistant commissioner who shall have and may exercise and perform all the powers, rights, duties and obligations of a commissioner under this Act. Assistant
Commis-
sioner.

2. Sections 5 and 6 of *The Northern Development Act* are repealed. Rev. Stat.,
c. 34,
ss. 5, 6,
repealed.

3. Section 22 of *The Northern Development Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 34, s. 22,
re-enacted.

22.—(1) Where notice of a lien or charge in respect of a loan to a settler has been duly registered in the Department of Lands and Forests or in the proper registry or land titles office in accordance with this Act or any predecessor of this Act, the Commissioner shall be deemed to have and to have had from the date of the registration of such notice and may exercise and enforce all rights, privileges, powers and remedies in the name of the Crown in the same manner and to the same extent as if the settler and his wife, if any, to bar her dower or as co-mortgagor or co-chargor had executed a mortgage to the Crown under *The Mortgages Act* and such mortgage had been registered against the lands described in the notice of lien. Powers as
to registered
liens.

Rev. Stat.,
c. 155.

(2) In addition to the rights, privileges, powers and remedies given under *The Mortgages Act*, the Commissioner, on default of payment for six months, may on one month's notice enter on and lease or sell the said lands. Additional
powers.

Notice.

(3) The notice under subsection 2 may be effectually given,—

- (a) where the lands described in the notice of lien are occupied, by leaving it with any person on the lands; or
- (b) where the lands are unoccupied, by posting it in a conspicuous place on the lands, or by publishing it once in a newspaper having a general circulation in the locality in which the lands are situate.

Validity of notice.

(4) The notice shall be effectual although,—

- (a) it is not addressed to any person or persons by name or designation;
- (b) any person or persons to be effected thereby may be unknown or unascertained or under disability;
- (c) the settler and his wife or any person affected thereby may be dead and no personal representative appointed to their respective estates; and
- (d) the whereabouts of the settler and his wife or of any person to be affected thereby may be unknown.

Payments due deemed as rent.

(5) Any payment or payments due or to become due on the said lands shall be deemed to be rent, and the Commission shall be deemed to have and to have had from the date of the registration of the notice of lien, and may exercise and enforce all rights, privileges, powers and remedies in the name of the Crown in the same manner and to the same extent as a landlord under *The Landlord and Tenant Act*.

Rev. Stat., c. 219.

Assignment of charge or loan debt.

(6) The Commissioner may assign the loan, debt or charge and convey the property charged, and the person to whom any such assignment is made shall have, and in his own name may exercise and enforce all rights, privileges, powers and remedies in the same manner and to the same extent as if the said lien or charge were a mortgage made under *The Mortgages Act* and assigned to such person.

Rev. Stat., c. 155.

Power to accept release of settler's interest and dispose of land.

(7) The Commissioner may accept a release, quit claim or other conveyance of the settler's interest or the

interest of any interested person in title in the lands in regard to which any lien exists and may sell, lease or otherwise dispose of any property which he has thus acquired at such price and upon such terms as in his discretion is deemed advisable.

4. Every certificate of discharge and every release given by the Minister, Deputy Minister or Commissioner prior to the 1st day of January, 1948, purporting to discharge any lien or charge under *The Northern Development Act* or any predecessor of *The Northern Development Act* is hereby confirmed. Certificates of discharge and releases confirmed.

5. This Act may be cited as *The Northern Development Amendment Act, 1948*. Short title.

CHAPTER 63.

An Act to amend The Notaries Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Notaries Act* is amended by adding thereto the following section: Rev. Stat.,
c. 224,
amended.

8. The disbarment of a barrister or the striking off the roll of a solicitor who holds an appointment as a notary public shall have the effect of revoking such appointment. Revocation
of appoint-
ment in cer-
tain cases.

2. This Act may be cited as *The Notaries Amendment Act*, Short title.
1948.

CHAPTER 64.

The Old Age Pensions Act, 1948.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Commission" means The Old Age Pensions Com-
mission appointed under this Act; "Commis-
sion";
- (b) "investigator" means any person designated as such
under the regulations; "investi-
gator";
- (c) "local authority", where there is a welfare unit means
the public welfare administrator, and where there
is no welfare unit means the clerk of the municipality
or such other person as the council with the approval
of the Minister may appoint, and in unorganized
territory means an investigator; "local
authority";
- (d) "local board" means local board provided for in the
regulations; "local
board";
- (e) "Minister" means Minister of Public Welfare; "Minister";
- (f) "pension" means a pension payable as an old age
pension or a blind pension under the *Old Age Pensions*
Act (Canada) or any other Act of the Parliament of
Canada and "pensioner" has a corresponding mean-
ing; and "pension";
R.S.C.,
c. 156.
- (g) "regulations" means regulations made under this Act. "regula-
tions".
New.

2.—(1) The Minister with the approval of the Lieutenant-Governor in Council may enter into an agreement with the Minister of National Health and Welfare with the approval of the Governor-General in Council as to a general scheme of old age pensions or blind pensions, or both, in Ontario pursuant to any Act of the Parliament of Canada and for the payment by Canada to Ontario quarterly of an amount equal to one-

Agreement
with Domi-
nion Govern-
ment
authorized.

half or more of the net sum paid out during the preceding quarter by Ontario for old age pensions or blind pensions, or both, pursuant to this Act. R.S.O. 1937, c. 314, s. 2; 1944, c. 43, s. 1 (1), *amended*.

Change in
scheme.

(2) No change shall be made in any scheme for old age pensions or blind pensions that has been approved by the Governor-General in Council, by regulations or otherwise, except with the approval of the Governor-General in Council. R.S.O. 1937, c. 314, s. 17, *part, amended*.

Old Age
Pensions'
Commission.

3.—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as The Old Age Pensions Commission.

Chairman.

(2) Where the Commission consists of more than one person, the Lieutenant-Governor in Council may designate one of them as chairman.

Quorum.

(3) Where the Commission consists of three persons, a majority shall be a quorum. *New*.

Duties of
Commis-
sion.

4. It shall be the duty of the Commission,—

(a) to receive applications for pensions; and

(b) to determine the eligibility of each applicant for a pension and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. *New*.

Decisions
final.

5. Subject to the right of the Commission to rescind or amend any determination or direction made by it, every determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. *New*.

Pension not
liable to
taxation,
attachments,
etc.

6. Every pension shall be exempt from provincial and municipal taxes and shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable. R.S.O. 1937, c. 314, s. 9. *Amended*.

When pen-
sion to be
paid to
trustee.

7. In the case of any pensioner,—

(a) who, in the opinion of the Commission, is using or likely to use his pension otherwise than for his own benefit or is incapacitated or incapable of managing his affairs;

(b) for whom a committee or trustee has been appointed;
or

- (c) who consents to the payment of the pension to a person who is undertaking or liable for his maintenance and care,

the Commission may direct that the pension shall be paid to a trustee or other person to be expended for the benefit of the pensioner. R.S.O. 1937, c. 314, s. 13, *amended*.

8. The receipt of a pension shall not by itself disqualify any person from voting at any provincial or municipal election. R.S.O. 1937, c. 314, s. 15. Pensioners not disqualified from voting.

9. Where a pension has been paid and upon audit by officials of the Government of Canada, the Government of Canada refuses to pay any amount in respect thereof, the Lieutenant-Governor in Council may direct that all payments which at that time have been made shall be deemed to be expenses incurred in the administration of this Act. *New*. Refusal by Dominion Government to make payments.

10. Where a pension has been paid and officials of the Government of Canada, upon an audit, rule that overpayments have been made to the pensioner, the Lieutenant-Governor in Council may direct that the amount of such overpayments shall be deemed to be expenses incurred in the administration of this Act. *New*. Over-payments.

11. If under the authority of the Parliament of Canada, or for any other reason whatsoever, the Government of Canada ceases to make the contributions provided for under the *Old Age Pensions Act* (Canada), or any other Act of the Parliament of Canada pursuant to which pensions are paid under this Act, or fails to carry out the agreement entered into under the authority of this Act, the right to the granting or continuance of any pension under this Act shall thereupon cease and determine and no further payment of pensions shall be made under this Act. R.S.O. 1937, c. 314, s. 10. Right to pension to cease on Dominion's failure to contribute. R.S.C. c. 156.

12.—(1) The Commission shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to the Commission, the sum of the pension payments made to such pensioner from time to time. Recovery of pension payments out of deceased pensioner's estate.

(2) No claim shall be made by the Commission for the recovery of such debt directly or indirectly out of any part of the pensioner's estate that passes by will or on any intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension was paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to the extent which, having regard to the means of the person so having contributed, is considered to be reasonable. R.S.O. 1937, c. 314, s. 11, *amended*. Right not to extend to property passing to another pensioner or to person maintaining.

Registration
of notice.

13.—(1) Notice (Form 1) of the granting of a pension to any person may be registered in the proper registry or land titles office, and shall set out,—

(a) the name and residence of the person to whom a pension has been granted;

(b) the date when the pension was granted;

(c) a description of the land owned by a pensioner or in which he has any interest, sufficient for the purpose of registration, and, where the land is registered under *The Land Titles Act*, a reference to the number of the parcel of the land and to the register in which such land is registered in the land titles office. R.S.O. 1937, c. 314, s. 12 (1).

Rev. Stat.,
c. 174.

Execution
of notice.

(2) The notice shall be in duplicate, signed by any member of the Commission and verified by his affidavit (Form 2). R.S.O. 1937, c. 314, s. 12 (2), *amended*.

Charge
against
lands.

(3) Upon registration the notice shall operate as a charge against the lands described therein in an amount equal to the amount of pension paid to the pensioner as of the date of the discharge of the notice or the date of the death of the pensioner, whichever is the earlier. R.S.O. 1937, c. 314, s. 12 (3), *amended*.

Registration
fee.

(4) The fee for registration of the notice shall be seventy-five cents. R.S.O. 1937, c. 314, s. 12 (4).

Discharge
of notice,—

(5) A notice registered under the provisions of this section may be discharged by a certificate (Form 3) signed by any member of the Commission, accompanied by an affidavit of execution. R.S.O. 1937, c. 314, s. 12 (5), *amended*.

fee.

(6) The fee for registration of a discharge shall be fifty cents. R.S.O. 1937, c. 314, s. 12 (6), *amended*.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

(a) governing the manner of making application for a pension;

(b) providing for the suspension and cancellation of pensions;

(c) providing for a cost-of-living or other bonus to pensioners or any class or group thereof;

- (d) providing for the whole or part of the cost of providing medical and dental services to pensioners or any class or group thereof;
- (e) providing for the designation of persons as investigators and prescribing their powers and duties;
- (f) prescribing the powers and duties of local authorities;
- (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;
- (h) providing for the appointment of local boards and prescribing their powers and duties;
- (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
- (j) providing for the making of investigations respecting persons to whom pensions may be paid or who are in receipt of pensions or by whom or on whose behalf application has been made for a pension;
- (k) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of a pension;
- (l) fixing the intervals at which and the manner in which pensions shall be paid;
- (m) prescribing forms for use under this Act; and
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

15.—(1) Where there is no welfare unit the council of any municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as the local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be the local authority.

(2) Every local authority shall, for the purposes of this Act, be a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. New.

Local authority,—
appoint-
ment of.

Taking
affidavits.

Rev. Stat.,
c. 121.

16. Pensions and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 314, s. 18, *amended*.

Pensions and
expenses,—
how payable.

Rev. Stat.,
c. 314; 1939,
c. 47, s. 25;
1944, c. 43,
repealed.

17. *The Old Age Pensions Act*, section 25 of *The Statute Law Amendment Act, 1939*, and *The Old Age Pensions Amendment Act, 1944*, are repealed.

Commence-
ment of Act.

18. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

19. This Act may be cited as *The Old Age Pensions Act, 1948*.

SCHEDULE OF FORMS

FORM 1.

NOTICE GRANTING OLD AGE PENSION

(Referred to in subsection 1 of section 13)

I,....., of the City Toronto,
in the County of York,....., hereby give notice
that on the.....day of....., 19...., an old age
pension, under the provisions of *The Old Age Pensions Act, 1948*, was
granted to.....

(Name of Pensioner)

of the.....of.....in the.....

(County or District)

of.....

(Occupation)

The following is a description of the land which the said

.....owns or has an interest in:

*(Name of Pensioner)**(Description of Land)*

This notice is given for the purpose of registration in the.....

.....of the
(Registry or Land Titles Office)

.....of.....
(City, County or District)

Dated at Toronto this.....day of.....,
19....

R.S.O. 1937, c. 314, Form 1.

FORM 2.

AFFIDAVIT VERIFYING NOTICE.

(Referred to in subsection 2 of section 13)

I,....., of the City of Toronto,
in the County of York,....., make oath and say:

That the facts set out in the attached notice are true.

SWORN before me at the

.....of.....

in the.....of

....., this

.....day of.....,

19....

(A Commissioner for taking Affidavits.)

R.S.O. 1937, c. 314, Form 2, amended.

FORM 3.

CERTIFICATE OF DISCHARGE.

(Referred to in subsection 5 of section 13)

The Notice dated the.....day of....., 19....,
and registered as No.....in the.....
for the.....of....., in respect of.....
is discharged.

DATED at Toronto this.....day of....., 19....

R.S.O. 1937, c. 314, Form 3, *amended*.

CHAPTER 65.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for re-imbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole One Hundred Million Dollars (\$100,000,000). Loan of \$100,000,000 authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon. Terms to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*. Sinking fund.
Rev. Stat., c. 22.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

5. This Act may be cited as *The Ontario Loan Act, 1948*. Short title.

CHAPTER 66.

An Act to amend The Ontario Northland
Transportation Commission Act.*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 31 of *The Ontario Northland Transportation Commission Act* is amended by adding thereto the following subsection: Rev. Stat., c. 55, s. 31, amended.

(1a) Money borrowed from time to time for carrying out the purposes of the Commission may, without restricting the generality of the power, be used to refund or repay any existing indebtedness or to make repayment on account of advances by the Province to the Commission or to pay any indebtedness which has been guaranteed or assumed by the Commission. Additional financing powers.

2. *The Ontario Northland Transportation Commission Act* is amended by adding thereto the following sections: Rev. Stat., c. 55, amended.

35a. The Provincial Auditor shall be the auditor of the Commission and he shall audit the books, records and accounts of the Commission and prepare an annual auditor's statement covering the fiscal year last past. Auditor.

35b. Commencing with the year 1947 the fiscal periods of the Commission shall end on the 31st day of December in each year. Fiscal year.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1948.* Short title.

CHAPTER 67.

An Act respecting the Purchase by The Corporation
of the City of Ottawa of Certain Assets of Ottawa
Light, Heat and Power Company, Limited.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Corporation of the City of Ottawa may purchase all or part of that part of the undertaking, property and assets of Ottawa Light, Heat and Power Company, Limited, situate in Ontario.

City authorized to purchase certain assets of Ottawa Light, Heat and Power Company, Limited.

2. Notwithstanding any general or special Act, The Corporation of the City of Ottawa and The Hydro-Electric Commission of the City of Ottawa or either of them may exercise the like powers within any municipality or municipalities adjacent to the City of Ottawa as the Corporation and the Commission or either of them may exercise within the City of Ottawa under *The Public Utilities Act*, including the power to supply electrical power or energy to owners and occupants of land in such adjacent municipality or municipalities, and such powers may be exercised without the authority of the adjacent municipality or municipalities.

City and City Commission authorized to exercise powers in adjacent municipalities.

Rev. Stat., c. 286.

3. It shall not be necessary to submit any by-law for the issue of debentures to pay for the purchase of the said undertaking, property and assets of Ottawa Light, Heat and Power Company, Limited, to the electors of the City of Ottawa qualified to vote on money by-laws, and the amount of such debentures shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Assent of electors not required.

4. No power conferred by this Act shall be exercised without the approval of the Lieutenant-Governor in Council upon the recommendation of The Hydro-Electric Power Commission of Ontario.

Approval of exercise of powers.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

6. This Act may be cited as *The Ottawa Light, Heat and Power Company, Limited Purchase Act, 1948.*

Short title.

CHAPTER 68.

An Act to amend The Police Act, 1946.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Police Act, 1946*, is amended by adding thereto the following subsection: 1946,
c. 72, s. 1,
amended.
 - (2) Every improvement district shall for the purposes of this Act be deemed to be a township municipality unless it is otherwise designated by the Ontario Municipal Board. Act applies
to improve-
ment dis-
tricts.
2. Section 17 of *The Police Act, 1946*, is amended by striking out the word "ensuing" and the word "and" in the fourth line, so that the said section shall now read as follows: 1946,
c. 72, s. 17,
amended.
 17. The board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the force. Submission
of estimates
to council.
3. Subsection 1 of section 27b of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is amended by inserting after the word "requested" in the fourth line the words "in writing", so that the said subsection shall now read as follows: 1946,
c. 72, s. 27b,
subs. 1
(1947,
c. 77, s. 10,
amended.
 - (1) Where one or more full-time members of a police force are appointed by any municipality or board, the council of the municipality or, where there is a board, the board shall, when requested in writing by a majority of the members of the police force, bargain in good faith with a bargaining committee of the members of the police force for the purpose Bargaining.

of defining, determining and providing for remuneration and working conditions, except such working conditions as may be governed by any regulations made pursuant to this Act.

1946,
c. 72, s. 27c
(1947,
c. 77, s. 10),
amended.

4. Section 27c of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is amended by adding thereto the following subsection:

Decision
of board of
arbitration.

(3a) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration.

1946,
c. 72, s. 27c,
subs. 2
(1947,
c. 77, s. 10),
repealed.

5. Subsection 2 of section 27e of *The Police Act, 1946*, as enacted by section 10 of *The Police Amendment Act, 1947*, is repealed.

1946, c. 72,
amended.

6.—(1) *The Police Act, 1946*, is amended by adding thereto the following sections:

Effect of
agreement,
decision
or award.

27f.—(1) An agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

Idem.

(2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the agreement, decision or award shall have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period.

Provision
for expen-
diture
involved
in request.

27g.—(1) Where a request in writing is made under subsection 1 of section 27b to the council of a municipality after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make ade-

quate provision for the payment of such expenditures as may be involved in the request.

- (2) Where the council of a municipality fails to comply with the requirements of subsection 1, the Lieutenant-Governor in Council may,— Non-compliance with subs. 1.

(a) upon being requested in writing by a majority of the members of the police force; and

(b) upon determining the fact of such failure and so certifying in writing,

direct the withholding from the municipality of any grant at any time payable out of provincial funds to the municipality and the deposit of such a direction with the Treasurer of Ontario shall be his authority to withhold a grant accordingly.

- (3) Where not less than fifty per centum of the members of the police force belong to an association, any request made under subsection 2 shall be made by the association. Where members belong to association.

- (4) Where a direction has been made under subsection 2, the Lieutenant-Governor in Council may, upon provision being made by the council of the municipality for the making of the expenditures involved, revoke such direction in whole or in part and subject to any terms or conditions which he may deem advisable. Revocation of direction.

(2) Section 27g of *The Police Act, 1946*, as enacted by this section, shall apply in the case of every request in writing made by the majority of the members of a police force or by an association whether the request was made before or after the coming into force of this Act. Application of s. 27g.

7. Subsection 1 of section 33 of *The Police Act, 1946*, as re-enacted by section 11 of *The Police Amendment Act, 1947*, is amended by inserting after the word "and" in the seventh line the words "unless the Attorney General otherwise directs", so that the said subsection shall now read as follows: 1946, c. 72, s. 33, subs. 1 (1947, c. 77, s. 11), amended.

- (1) The Crown attorney may request the services of a member of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the expenses of any member of such Force furnished in compliance with the request shall be certified by the Crown attorney or the Commissioner and, unless the Attorney General Expenses of Ontario Provincial Police Force,—when payable by municipality.

otherwise directs, the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946,
c. 72, s. 33a,
subs. 2
(1947,
c. 77, s. 12),
amended.

8. Subsection 2 of section 33a of *The Police Act, 1946*, as enacted by section 12 of *The Police Amendment Act, 1947*, is amended by inserting after the word "and" in the fourth line the words "unless the Attorney General otherwise directs", so that the said subsection shall now read as follows:

Expenses,—
how payable.

- (2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commissioner and, unless the Attorney General otherwise directs, the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946,
c. 72, s. 36,
subs. 1, cl. a,
amended.

9. Clause a of subsection 1 of section 36 of *The Police Act, 1946*, is amended by inserting after the word "municipality" in the second line the words "unless the Attorney General otherwise directs", so that the said clause shall now read as follows:

- (a) at the request of the council of any municipality, in which case the municipality, unless the Attorney General otherwise directs, shall pay the cost of such investigation; or

1946,
c. 72, s. 43,
subs. 1,
cl. g, re-
enacted.

10. Clause g of subsection 1 of section 43 of *The Police Act, 1946*, is repealed and the following substituted therefor:

- (g) prescribing courses of training for constables, chief constables and other members of police forces.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Police Amendment Act, 1948*.

CHAPTER 69.

An Act to amend The Power Commission Act.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 9 of *The Power Commission Act*, as re-enacted by section 4 of *The Power Commission Amendment Act, 1946*, is amended by inserting after the figures "11" in the first line the figures and letter "11a," so that the said clause shall now read as follows:

Rev. Stat.,
c. 62, s. 9,
cl. *f* (1946,
c. 73, s. 4),
amended.

(*f*) to provide reserves authorized by sections 11, 11a, 12 and 14; and

.

2. Section 11 of *The Power Commission Act*, as re-enacted by section 5 of *The Power Commission Amendment Act, 1946*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 62, s. 11
(1946,
c. 73, s. 5),
amended.

(3) The Commission may from time to time transfer from its reserve account established under clause *b* of subsection 1 such amounts as it deems advisable, and place the same to the credit of the frequency standardization reserve account.

Transfer to
frequency
standardiza-
tion reserve
account.

3. *The Power Commission Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 62,
amended.

11a.—(1) An account to be known as the frequency standardization reserve account may be opened and maintained on the books of the Commission and the Commission may place to the credit of such account,—

Frequency
standardiza-
tion reserve
account.

(*a*) such amounts as the Commission transfers under subsection 3 of section 11, from the reserve account established under clause *b* of subsection 1 of section 11;

- (b) such amounts as the Commission collects pursuant to clause *e* of section 21*b*;
- (c) such amounts as may be made available for the credit of this account pursuant to subsection 2 of section 56;
- (d) such additional amounts as may in the opinion of the Commission be necessary for the purposes of this section;
- (e) interest at such rates as the Commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

Use of
moneys.

- (2) Any or all of the amounts at the credit of the frequency standardization reserve account may be used in the discretion of the Commission for meeting any expenditure or costs made or incurred under section 21*b*, except expenditure or costs made or incurred in respect to works held by it under section 71.

.

Change of
frequency.

- 21*a*. Subject to the approval of the Lieutenant-Governor in Council and notwithstanding any agreement between the Commission and any person, the Commission may change the periodicity in alternations of current at which it supplies electrical power or energy to any person.

Powers of
Commission
on frequency
change-over.

- 21*b*. Subject to the approval of the Lieutenant-Governor in Council the Commission may,—

- (a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies electrical power or energy, alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever else may be necessary in respect of its works and works held by it under section 71;
- (b) for the purpose of standardizing and making uniform the periodicity in alternations of current at which electrical power or energy generated or procured by it is utilized, and with the consent of the owner, alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever else may be necessary in respect of the electrical equipment, appa-

tus, appliances, devices or works of any person other than a municipal corporation or municipal commission which are utilized for taking from the Commission and using electrical power or energy;

- (c) bear the expense of anything done pursuant to clause *a*;
- (d) bear the expense of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of domestic, rural domestic and commercial lighting consumers, and also such portion of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of any person other than domestic, rural domestic or commercial lighting consumers as the Commission may deem advisable;
- (e) except as provided in clause *d*, charge to and collect from any person to whose electrical equipment, apparatus, appliances, devices or works anything has been done pursuant to clause *b* the cost or any part thereof according to a tariff approved by the Lieutenant-Governor in Council.

4. Section 56 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 56,
re-enacted.

56.—(1) In addition to the powers conferred upon it by this Act or any other Act to contract with municipal corporations for the supply by it of electrical power and energy and to contract with persons pursuant to sections 47, 72 and 76, the Commission, subject to the approval of the Lieutenant-Governor in Council, may contract with any other person for the supply of electrical power or energy to such person upon such terms and conditions as the Commission may deem proper.

Supply of
power.

(2) The revenue, or any part thereof, derived by the Commission from supplying power or energy under subsection 1 for use outside of Ontario and which in the opinion of the Commission is so derived because of anything done pursuant to section 21*b* may be placed to the credit of the frequency standardization reserve account.

Application
of revenue.

Application
of net profit.

- (3) Any net profit made by the Commission in supplying power or energy under subsection 1 shall be applied in reduction of the cost of electrical power or energy to municipal corporations having contracts with the Commission.

Determina-
tion of net
profit.

- (4) Net profit referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power or energy under subsection 1 all moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in clauses *a*, *b* and *c* of section 61 and for the purposes of section 11 and clause *d* of subsection 1 of section 11*a*.

Use of
right-of-way
of railway,
power and
transmission
companies.

- (5) The Commission may, with the approval of the Lieutenant-Governor in Council, contract with a railway company or power or transmission company for the use of its right-of-way and property for the purposes of the Commission.

Rev. Stat.,
c. 62, s. 58,
re-enacted.

5. Section 58 of *The Power Commission Act*, as amended by section 7 of *The Power Commission Amendment Act, 1943* and section 1 of *The Power Commission Amendment Act, 1947* (No. 2), is repealed and the following substituted therefor:

Amendment
of agree-
ments.

- 58.—(1) If any agreement heretofore or hereafter entered into by the Commission for the supplying of electrical power or energy by the Commission to a municipal corporation or for any other work or service to be done or supplied by the Commission to a municipal corporation contains any term or condition conflicting with or contrary to this Act, the agreement shall be deemed to be amended in such manner and to such extent as to give effect to this Act.

Effect of
approval.

- (2) Subject to subsection 1, where the Commission has heretofore entered, or shall hereafter enter, into an agreement for the supplying of electrical power or energy by or to the Commission or for any other work or service to be done by or supplied to the Commission and such agreement has been or shall hereafter be approved by the Lieutenant-Governor in Council, it shall thereupon be valid and binding upon the parties thereto.

Rev. Stat.,
c. 62, s. 58*a*
(1947,
c. 79, s. 2),
re-enacted.

6. Subsection 2 of section 58*a* of *The Power Commission Act*, as enacted by section 2 of *The Power Commission Amendment Act, 1947* (No. 2), is repealed and the following substituted therefor:

- (2) The Commission may at any time modify, restrict, suspend or re-impose any order, regulation, restriction, prohibition or control, heretofore or hereafter given, made or exercised pursuant to subsection 1. Modification of restrictions.
- (3) The Commission may interrupt or decrease delivery of electrical power or energy in such manner and to such extent as it sees fit to any of its customers who fails to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by it pursuant to subsection 1 by such means as it may deem proper and may enter upon any land of any such customer and do whatever is necessary for that purpose. Cessation of power delivery.
- (4) Any municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution may interrupt or decrease delivery of electrical power or energy in such manner and to such extent as it sees fit to any of its customers who fails to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by the Commission, pursuant to subsection 1, by such means as it may deem proper, and may enter upon any land of any such customer and do whatever is necessary for that purpose. Entry by municipal corporation.
- (5) Nothing done under this section or under any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section or done to enforce or give effect thereto by the Commission, its servants or agents, or by any municipal corporation or municipal commission or its servants or agents, shall be deemed a breach of contract by the Commission or any municipal corporation or municipal commission or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Commission, its servants or agents, or any municipal corporation or municipal commission, its or their servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise. No breach of contract.
- (6) Any person refusing or neglecting to comply with any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section shall be guilty of an offence and in addition to any other liability incur a penalty of not less than \$100 and not more than \$500 and a further penalty of not less than \$100 and not more than \$500 for each and every separate day upon which such refusal or neglect is repeated or continued. Penalties.

Recovery of penalties.
Rev. Stat.,
c. 136.

- (7) The penalties imposed by or under the authority of this section shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 62, s. 61,
cl. d (1946,
c. 73, s. 11),
amended.

7. Clause *d* of section 61 of *The Power Commission Act*, as re-enacted by section 11 of *The Power Commission Amendment Act, 1946*, is amended by adding at the end thereof the words "and clause *d* of section 11a", so that the said clause shall now read as follows:

- (d) an amount to be determined by the Commission for the purposes of sections 11 and 12 and clause *d* of section 11a.

Rev. Stat.,
c. 62, s. 71
(1939,
c. 35, s. 3),
amended.

8. Section 71 of *The Power Commission Act*, as re-enacted by section 3 of *The Power Commission Amendment Act, 1939* and amended by section 8 of *The Power Commission Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Use of
moneys for
standardiza-
tion of
frequency.

- (6) The Commission may in its discretion use any of the revenue which may be derived or may have been derived from the distribution of electrical power or energy by the Commission on behalf of the corporation of any township forming a rural power district or any part thereof for altering, reconstructing, rebuilding, re-assembling, constructing, extending, replacing or whatever else may be necessary in respect of works held by it under subsection 3, for the purpose of standardizing and making uniform to such extent and in such manner as it may deem necessary the periodicity in alternations of current at which it supplies electrical power to customers of the corporation or at premises pursuant to subsection 3.

Rev. Stat.,
c. 62, s. 95a,
cl. d (1946,
c. 73, s. 14),
amended.

9. Clause *d* of section 95a of *The Power Commission Act*, as enacted by section 14 of *The Power Commission Amendment Act, 1946*, is amended by adding at the end thereof the words "in the alteration, reconstruction, rebuilding, re-assembling, construction, replacing or whatever else may be necessary in respect of such works for the purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current; or", so that the said clause shall now read as follows:

Extension
and altera-
tion of
works.

- (d) in the extension of works for the production, development, distribution or sale of electrical power or energy or in the alteration, reconstruction, rebuilding, re-assembling, construction, replacing or whatever else may be necessary in respect of such works for the

purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current; or

10. Clauses *a* and *b* of subsection 1 of section 96 of *The Power Commission Act*, as re-enacted by section 15 of *The Power Commission Amendment Act, 1946*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 96,
subs. 1, cls.
a, *b* (1946,
c. 73, s. 15),
re-enacted.

- (a) in altering, reconstructing, rebuilding, re-assembling, constructing, replacing or doing whatever else may be necessary in respect of works for the production, development, distribution or sale of electrical power or energy for the purpose of receiving from the Commission and distributing electrical power or energy at a changed periodicity in alternations of current; Alteration
of works.
- (b) in repaying to persons to whom electrical power or energy is being supplied by such municipal corporation or municipal commission money paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy; or In repay-
ment to cus-
tomers.
- (c) to the extent to which such surplus is derived from the supply of electrical power or energy for the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility of the corporation other than an electric utility, by payment over of such surplus or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation. To general
purposes of
municipal
corporations.

11. This Act may be cited as *The Power Commission Amendment Act, 1948*. Short title.

CHAPTER 70.

An Act to repeal The Protection of Birds Act.

Assented to March 31st, 1948.

Session Prorogued April 16th, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Protection of Birds Act*, being chapter 354 of the Revised Statutes of Ontario, 1937, is repealed.

Rev. Stat.,
c. 354, re-
pealed.

2. This Act may be cited as *The Protection of Birds Repeal Act*, 1948.

Short
title.

CHAPTER 71.

An Act to amend The Public Hospitals Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Public Hospitals Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 390, s. 19,
re-enacted.

19. In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, not exceeding \$30, but the municipality may increase the maximum amount payable to \$40. Burial
expenses.

2. This Act may be cited as *The Public Hospitals Amendment Act, 1948*. Short title.

CHAPTER 72.

An Act to amend The Public Lands Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Lands Act*, as amended by sub-Rev. Stat.,
c. 33, s. 3,
re-enacted. sections 1 and 2 of section 30 of *The Statute Law Amendment Act, 1942*, is repealed and the following substituted therefor:

3. There shall be,—

Deputy
Ministers.

(a) a Deputy Minister of Lands and Forests who shall be appointed by the Lieutenant-Governor in Council, who shall have charge of the administration of the Department and such other duties as may be assigned to him by the Lieutenant-Governor in Council or the Minister; and

(b) a Deputy Minister of Forestry who shall be appointed by the Lieutenant-Governor in Council, who shall have charge of matters respecting reforestation, forest protection, forest research and investigation and such other duties as may be assigned to him by the Lieutenant-Governor in Council or the Minister.

2. *The Public Lands Act* is amended by adding thereto the following section:Rev. Stat.,
c. 33,
amended.

33a. The Lieutenant-Governor in Council may make regulations,—Regulations
re free grants
to members
of forces.

(a) providing for free grants not exceeding one hundred and sixty acres of public land situated anywhere in the Province to former members of the forces;

(b) defining "former members of the forces";

(c) prescribing the terms and conditions upon which such grants may be made,

and, except as otherwise provided by the regulations, the provisions of this Part shall apply to such grants.

Short title.

3. This Act may be cited as *The Public Lands Amendment Act, 1948*.

CHAPTER 73.

An Act to amend The Public Schools Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 54 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 54, subs. 1, cl. *b*, re-enacted.

- (*b*) the purchase or enlargement of sites and the erection thereon of buildings or additions or alterations there-to for the administrative or office purposes of the board.

(2) Subsection 1 of the said section 54 is further amended by adding thereto the following clause: Rev. Stat., c. 357, s. 54, subs. 1, amended.

- (*g*) the purchase of a bus or buses or other vehicles for the transportation of pupils.

2. Subsection 1 of section 62*a* of *The Public Schools Act*, as enacted by section 3 of *The Public Schools Amendment Act, 1947*, is amended by inserting after the word "Ontario" in the fourth line the words "or on any lands which are exempt from taxation for school purposes," so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 62*a* (1947, c. 88, s. 3), amended.

- (1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, or on any lands which are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he may deem proper. Public schools on tax exempt lands.

3. Section 86 of *The Public Schools Act*, as amended by section 31 of *The School Law Amendment Act, 1938*, section 15 of *The School Law Amendment Act, 1941*, and section 4 of *The Public Schools Amendment Act, 1946*, is further amended by adding thereto the following subsection: Rev. Stat., c. 357, s. 86, amended.

Pupils
residing
on tax
exempt
lands.

- (10) Where a person of school age who resides on lands which are exempt from taxation for school purposes, attends a public school and he and his parents or guardians are not assessed for, and do not pay, taxes for school purposes in the school section, the parent or guardian of the pupil or an agent in his behalf shall pay to the board of the school such monthly fees as may be prescribed by the board, but not exceeding the average cost per pupil computed as provided in subsection 3 except that in such computation county and municipal grants shall not be deducted.

Rev. Stat.,
c. 357, s. 95,
subs. 1,
amended.

- 4.—(1) Subsection 1 of section 95 of *The Public Schools Act* is amended by inserting after the article "a" in the third line the word "public," so that the said subsection shall now read as follows:

Transporta-
tion of
resident
pupils
attending
outside
schools.

- (1) The board of a section or municipality may provide for the transportation of pupils residing in the section or municipality, as the case may be, to and from a public, continuation, high or vocational school situate elsewhere which such pupils have the right by law to attend, and for the purpose may co-operate with any other board.

Rev. Stat.,
c. 357, s. 95,
amended.

- (2) The said section 95 is further amended by adding thereto the following subsection:

Purchase of
vehicles for
transporta-
tion of
pupils.

- (3) Notwithstanding subsection 2, for the purpose of providing transportation of pupils a board may purchase a bus or buses or other vehicles either out of current revenue or by the issue of municipal debentures as authorized by this Act.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Short title.

6. This Act may be cited as *The Public Schools Amendment Act, 1948*.

CHAPTER 74.

An Act to amend The Public Service Act, 1947.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 7 of *The Public Service Act, 1947*, ^{1947, c. 89, s. 7, subs. 2, amended.} is amended by striking out the words "In the absence" in the first line and inserting in lieu thereof the words "With the consent", so that the said subsection shall now read as follows:

- (2) With the consent of his minister a deputy minister ^{Power of deputy minister to suspend.} may suspend from employment any civil servant in his department who refuses or neglects to obey his directions.

2. Section 13 of *The Public Service Act, 1947*, is amended ^{1947, c. 89, s. 13, amended.} by adding thereto the following subsections:

- (5a) Subsection 5 shall apply to every employee in respect ^{Extended application of s. 5.} of the period of his continuous non-contributory service.

- (8) Civil servants employed on the 1st day of March, ^{Persons temporarily employed.} 1948, under appointment for a limited period by the Lieutenant-Governor in Council, shall not become contributors to the Fund by reason of such appointment.

3. Subsection 2 of section 18 of *The Public Service Act, 1947*, ^{1947, c. 89, s. 18, subs. 2, amended.} is amended by striking out the words "fifty-five years of age on the day upon which this Act comes into force" in the second and third lines and inserting in lieu thereof the words, figures and letters "fifty years of age on the 1st day of March, 1948", so that the said subsection shall now read as follows:

- (2) Notwithstanding subsection 1, every employee who ^{Present employees,—fifty or more.} was more than fifty years of age on the 1st day of March, 1948, and who,—

(a) attains the age of seventy years; and

(b) contributes to the Fund in respect of a period of fifteen years or more or in respect of a period of ten years or more in the case of an employee whose employment began before the 25th day of June, 1937,

shall be entitled to a superannuation allowance upon his retirement.

1947, c. 89,
amended.

4. *The Public Service Act, 1947*, is amended by adding thereto the following section:

Computation
of allowance
to be varied
in certain
cases.

22a. Where the average annual salary of an employee is not the highest during the last three years of his service, the Board, in computing his superannuation, disability or compensation allowance, shall use as the dividend his highest average annual salary during any other consecutive three years of his service as an employee.

1947, c. 89,
amended.

5. *The Public Service Act, 1947*, is amended by adding thereto the following section:

Gaolers
and gaol
employees.

32a.—(1) This Part shall apply to every gaoler and gaol employee, other than a gaol surgeon, who is employed full time on the permanent staff of a county or city gaol, in respect of his service after the 30th day of June, 1948, except that the county or city, as the case may be, shall contribute to the Fund an amount equal to the contribution of the gaoler or gaol employee in lieu of the contribution out of the Consolidated Revenue Fund provided for in section 15, and shall also pay into the Fund the contribution deducted from the salary of the gaoler or gaol employee.

Rates of
contribution.

(2) Gaolers and gaol employees shall contribute to the Fund at the rates prescribed in subsections 2 and 3 of section 13.

Agreements
respecting
service
prior to
July 1st,
1948.

(3) The Board and the council of a county or city which has established a gaol may, with the approval of the Lieutenant-Governor in Council, enter into an agreement under which the gaoler and gaol employees and the municipality may pay into the Fund in respect of service of such persons prior to the 1st day of July, 1948, and where such agreement is entered into and such payments are made, the gaoler or gaol employee shall be entitled to credit for the period of service represented by the payments made, in reckoning the amount of any allowance payable to him.

6. Subsection 2 of section 33 of *The Public Service Act, 1947*,^{1947, c. 89, s. 33, subs. 2, amended.} is amended by inserting after the figures "1941" in the third line the words "and who can serve for a period of twenty years thereafter before attaining the age of seventy-five years" and by striking out the words "by way of salary deductions" in the first line of clause *b*, so that the said subsection shall now read as follows:

- (2) Every magistrate who receives a stated annual salary from the municipality to which he is assigned and who was appointed on or before the 1st day of January, 1941, and who can serve for a period of twenty years thereafter before attaining the age of seventy-five years and who,—^{Certain magistrates option.}

(a) gives notice in writing to the Board within sixty days after this Act comes into force of his intention to pay an amount equal to the amount that would have been payable by him had he contributed to the Fund from the date of his appointment; and

(b) pays or agrees to pay the amount mentioned in clause *a* together with interest thereon at three per centum per annum,

shall be deemed to be an employee in respect of the period of service represented by the payments so made and shall be entitled to credit for such period in reckoning the amount of any allowance payable to him.

7. Section 34 of *The Public Service Act, 1947*, is repealed^{1947, c. 89, s. 34, re-enacted.} and the following substituted therefor:

34.—(1) Where a person who was an employee on the 1st day of March, 1948, so requests the Teachers' and Inspectors' Superannuation Commission and the Board in writing, before the 1st day of July, 1948, an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund with accumulated interest shall be transferred to the Fund from the teachers' and inspectors' superannuation fund.^{Teachers and inspectors employees on March 1st, 1948.}

(2) Where a person who was an employee on the 1st day of March, 1948, has withdrawn his contributions from the teachers' and inspectors' superannuation fund, he may pay into the Fund before the 1st day of July, 1948, the amount withdrawn with interest from the date of such withdrawal at four and three-quarters per centum per annum compounded half-yearly.^{Where contributions withdrawn.}

Computa-
tion of
service
credits.

- (3) A person who was an employee on the 1st day of March, 1948, and who makes an election under subsection 1 or 2, or whose contributions and credits in the teachers' and inspectors' superannuation fund have been transferred to the Fund, shall be entitled to service credit in the Fund for the number of years that is equal to the number obtained by dividing one-half of the amount transferred or paid into the Fund by a number that is equal to four per centum of his annual salary upon his appointment as an employee, provided that the number of years of service credit so obtained shall in no case exceed eighteen, or seventy per centum of the number of years for which he contributed to the teachers' and inspectors' superannuation fund.

Teachers and
inspectors
employees
after
March 1st,
1948.

- (4) Where a person who was a contributor to the teachers' and inspectors' superannuation fund becomes an employee on or after the 1st day of March, 1948, and within sixty days from the date of his becoming an employee makes a written request to the Teachers' and Inspectors' Superannuation Commission and to the Board, an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund with accumulated interest shall be transferred to the Fund from the teachers' and inspectors' superannuation fund.

Where
contributions
withdrawn.

- (5) Where a person who becomes an employee on or after the 1st day of March, 1948, has withdrawn his contributions from the teachers' and inspectors' superannuation fund he may pay into the Fund, within three months of the date of his becoming an employee, the amount withdrawn with interest from the date of such withdrawal at four and three-quarters per centum per annum compounded half-yearly.

Computation
of service
credits.

- (6) An employee who makes an election under subsection 4 or 5 shall be entitled to service credit in the Fund for the number of years that is equal to the number obtained by dividing one-half of the amount transferred or paid into the Fund by a number that is equal to six per centum of his annual salary upon his appointment as an employee, provided that the number of years of service credit so obtained shall in no case exceed eighteen, or seventy per centum of the number of years for which he contributed to the teachers' and inspectors' superannuation fund.

- (7) Where a contributor or former contributor to the teachers' and inspectors' superannuation fund is an employee or becomes an employee and has elected or elects to become a contributor to the Fund and has withdrawn or withdraws his contributions from the teachers' and inspectors' superannuation fund, his credit therein with accumulated interest shall be transferred to the Fund where he makes an election under subsection 2 or 5, and such credits and accumulated interest shall be included in the calculations of service credit provided for in subsections 3 and 6. Transfer of credits.
- (8) The benefits under this Act to an employee who has made an election under this section shall not be less than he would have received had he continued as a contributor to the teachers' and inspectors' superannuation fund. Teachers and inspectors not to lose by transfer.
8. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of March, 1948. Commencement of Act; retrospective effect.
9. This Act may be cited as *The Public Service Amendment Act, 1948*. Short title.

CHAPTER 75.

An Act to amend The Public Vehicle Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Public Vehicle Act* is amended by inserting after the word "rails" in the seventh line the word "taxicabs," so that the said clause shall now read as follows: Rev. Stat., c. 289, s. 1, cl. c, amended.

(c) "Public vehicle" shall mean any motor vehicle operated on a highway by, for, or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, taxicabs, nor motor vehicles operated solely within the corporate limits of one urban municipality. "Public vehicle".

(2) The said section 1 is further amended by adding thereto the following clause: Rev. Stat., c. 289, s. 1, amended.

(cc) "Taxicab" shall mean a motor vehicle as defined in *The Highway Traffic Act*, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip. Rev. Stat., c. 288.

2. Subsection 1 of section 4 of *The Public Vehicle Act* is repealed and the following substituted therefor: Rev. Stat., c. 289, s. 4, subs. 1, re-enacted.

(1) Subject to subsections 1a and 2, a person holding a license or permit under this Act may operate his vehicle in and through any municipality covered by such license or permit without holding a license or Municipal license and fares,—when not applicable;

complying with the rates or fares prescribed under any by-law of any such municipality.

when
applicable.

(1a) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a license under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Public Vehicle Amendment Act, 1948*.

CHAPTER 76.

An Act to amend The Race Tracks Tax Act, 1939.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Race Tracks Tax Act, 1939*, is amended ^{1939, c. 39, s. 3, amended.} by striking out the words "provided that the rate of the tax shall not be changed in any calendar year after the commencement of the first race meeting in such year at which a pari-mutual system is operated" at the end thereof, so that the said section shall now read as follows:

3. Every holder of a winning ticket issued under the pari-mutual system upon a race run at any race meeting shall pay a tax at the rate of five per centum or such other rate as the Lieutenant-Governor in Council may prescribe upon the amount which would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race, and the said tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race, a sum equal to five per centum or such other rate as may be prescribed of the amount so bet or wagered, and such sum shall be paid over to the Treasurer at the close of each day's racing. ^{Tax on bets and stakes on racing.}

2. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

3. This Act may be cited as *The Race Tracks Tax Amendment Act, 1948*. ^{Short title.}

CHAPTER 77.

An Act to amend The Real Estate and Business
Brokers Act, 1946.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 49 of *The Real Estate and Business Brokers Act, 1946*, is amended by striking out the words "the sale of" in the second line and inserting in lieu thereof the words "a trade in" and by inserting after the word "price" in the third line the words "or rental, as the case may be," so that the said subsection shall now read as follows:

- (2) All commission or other remuneration payable to a broker in respect of a trade in real estate shall be upon an agreed amount or percentage of the sale price or rental, as the case may be, and where no agreement as to the amount of the commission has been entered into, the rate of commission or other basis or amount of remuneration shall be that generally prevailing in the community where the real estate is situate.

2. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1948*.

CHAPTER 78.

An Act to amend The Regulations Act. 1944.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Regulations Act, 1944*, as re-enacted by subsection 1 of section 9 of *The Statute Law Amendment Act, 1947 (No. 2)*, is amended by striking out the word "or" at the end of subclause i and by adding thereto the following subclauses:

- (iii) an order of the Lieutenant-Governor in Council designating any highway or a system of public highways as the King's Highway, or
- (iv) a schedule of classifications for civil servants, including qualifications, duties and salaries, prescribed under *The Public Service Act, 1947*,

1947, c. 89.

so that the said clause shall now read as follows:

- (e) "regulation" shall mean any regulation, rule, order or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission all the members of which are appointed by the Lieutenant-Governor in Council, but shall not include,
 - (i) a by-law of a municipality or local board, as defined in *The Department of Municipal Affairs Act*,
 - (ii) an order of the Ontario Municipal Board other than an order prescribing rules governing proceedings before the Board,

Rev. Stat.,
c. 59.

- (iii) an order of the Lieutenant-Governor in Council designating any highway or a system of public highways as the King's Highway, or
- (iv) a schedule of classifications for civil servants, including qualifications, duties and salaries, prescribed under *The Public Service Act, 1947*.

1947, c. 89.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of July, 1944, and the filing of any regulation which by this Act is exempted from *The Regulations Act, 1944*, is vacated.

1944, c. 52.

Short title.

3. This Act may be cited as *The Regulations Amendment Act, 1948*.

CHAPTER 79.

An Act respecting the Research Council of Ontario.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Council" means Research Council of Ontario; "Council";
- (b) "Minister" means the member of the Executive "Minister".
Council to whom the administration of this Act is
assigned by the Lieutenant-Governor in Council.

2. There shall be a body corporate to be known as the Council,—
Research Council of Ontario composed of not more than twelve establish-
ment;
members appointed by the Lieutenant-Governor in Council, objects.
and having for its object the betterment of industrial, agricul-
tural and other research and scientific activity in Ontario as a
means to the utilization of the resources of the Province.

3. Each member of the Council shall be appointed for a Members,—
term of three years from the date of his appointment, except term of
that of the first appointments not more than four members appoint-
ment.
may be appointed for four years and not more than four
members for five years, so as to establish a system of retire-
ment in rotation, and a member shall be eligible for re-
appointment for one additional term of three years.

4. Upon a vacancy occurring in the membership of the Vacancies.
Council the Lieutenant-Governor in Council may appoint a
person to fill the vacancy and such appointment shall be for
the remainder of the term for which his predecessor was
appointed.

5.—(1) The Lieutenant-Governor in Council may name President.
one of the members to be president of the Council for a period
not exceeding the term of his appointment as a member.

Vice-president.

(2) There shall be a vice-president elected annually by the Council from among its members.

Vacancy in office of president.

(3) When the office of president is vacant, or in the absence of the president, the vice-president shall act as president.

Executive committee.

(4) There shall be an executive committee consisting of the president and vice-president *ex officio* and three members elected annually by the Council from among its members, which shall have, when the Council is not in session, such powers of the Council as the Council delegates to the executive committee.

Remuneration and expenses.

6. No member of the Council or of any committee thereof shall receive any remuneration for his services, but each member shall be paid his proper travelling and other expenses incurred in the work of the Council or the committee thereof.

Quorum.

7. At any meeting of the Council five members shall constitute a quorum.

Majority.

8. A majority vote of the members present at any meeting of the Council shall determine any question.

Power of Council.

9. The council shall have power,—

Rev. Stat., c. 19.

(a) to take over and continue as the Council may determine, the activities, staff and advisory committees of the Ontario Research Commission, a commission appointed under *The Public Inquiries Act*;

(b) to inquire into industrial, agricultural and other research and scientific activity in, or affecting the material development of, Ontario;

(c) to organize and maintain advisory or other committees in the several fields of industrial, agricultural and other research and scientific activity, and such other committees as the Council deems advisable;

(d) to advise the Lieutenant-Governor in Council with respect to such industrial, agricultural and other research and scientific activity and, without limiting the generality of the foregoing, with respect to research workers and scientists, facilities for research and scientific investigation, research organizations and agencies, research projects and programmes whether fundamental or applied, the integration and co-ordination of industrial, agricultural and other research and scientific activity, co-operation as between public and private, provincial and extra-

provincial agencies, and the use of public funds in the encouragement and carrying out of such research and activity;

- (e) to arrange for others to carry out such specific or general research programmes as may be authorized by the Lieutenant-Governor in Council, and to supervise the same;
- (f) to publish and disseminate scientific and technical information;
- (g) to establish and administer scholarships to assist in the training of research and scientific workers;
- (h) to receive property, real or personal, or funds given to the Council for specific or general research purposes and to administer the same;
- (i) subject to the approval of the Lieutenant-Governor in Council, to apply for or acquire patents of invention or interests therein, and to dispose thereof;
- (j) to make by-laws for the conduct of its business and for the control and direction of its work;
- (k) to do all such other things connected with industrial, agricultural and other research and scientific activity as may from time to time be authorized or directed by the Lieutenant-Governor in Council.

10. There shall be paid out of the Consolidated Revenue ^{Finances.} Fund such sums as the Lieutenant-Governor in Council may authorize, for the following purposes:

- (a) the administrative expenses of the Council;
- (b) the establishment and awarding of scholarships to assist in the training of research and scientific workers; and
- (c) contributions to the cost of such group industrial, agricultural and other research projects and activities as are recommended by the Council and are undertaken by industrial, agricultural or other organizations or groups on a basis on which the contribution from the Consolidated Revenue Fund does not exceed fifty per centum of the cost of the project or activity.

11.—(1) The Council shall submit to the Minister on or ^{Annual report;}

before the 30th day of April in each year an annual report containing a financial statement, a description of the work of the Council for the previous fiscal year and such other information as the Minister may request.

to be laid
before
Assembly.

(2) The Minister shall lay such report before the Assembly if it is then in session, or if it is not, at the next ensuing session.

Audit.

12.—(1) The accounts of the Council shall be audited by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the Auditor shall make an annual report in respect of the preceding fiscal year to the Minister.

Auditor's
report to be
laid before
Assembly.

(2) The Minister shall lay such report before the Assembly if it is then in session, or if it is not, at the next ensuing session.

Commence-
ment of Act.

13. This Act shall come into force on the 1st day of April, 1948.

Short title.

14. This Act may be cited as *The Research Council Act, 1948.*

CHAPTER 80.

An Act to amend The Sanatoria for Consumptives Act, 1947.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of *The Sanatoria for Consumptives Act, 1947*,^{1947, c. 97, s. 38,} is amended by striking out the word "but" in the fifth line^{amended.} and by adding at the end thereof the words, symbol and figures "but the municipality may increase the maximum amount payable to \$40", so that the said section shall now read as follows:

38. In the event of the death in a sanatorium of any patient who is an indigent person that local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, not exceeding \$30, but the municipality may increase the maximum amount payable to \$40.^{Burial expenses.}

2. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1948*.^{Short title.}

CHAPTER 81.

An Act to amend The School Sites Act.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The School Sites Act* is amended by striking out the words "road forming a boundary road" in the third and fourth lines and inserting in lieu thereof the word "boundary", so that the said subsection shall now read as follows:

(2) The board of education for a city may acquire by purchase or otherwise, or may expropriate land in a township for the purposes of a school site where such land adjoins a boundary between the city and the township.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

3. This Act may be cited as *The School Sites Amendment Act, 1948.*

CHAPTER 82.

An Act to amend The Securities Act, 1947.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Securities Act, 1947*,^{1947, c. 98, s. 1, cl. f, amended.} is amended by inserting after the word "company" in the eighth line the words "other than an issuer within the meaning of *The Investment Contracts Act, 1948*", so that the said clause shall now read as follows:

(f) "investment company" shall mean a company, other^{"investment company";} than a company recognized by the Commission as a mining company or an industrial company, whose principal business is the acquisition of or the investment in the securities of other companies whether for the purpose of acquiring control or management of such companies or for the purpose of deriving revenue from such securities and shall include a company, other than an issuer within the meaning of *The Investment Contracts Act, 1948*, which issues^{1948, c. 49.} investment certificates, investment contracts, savings certificates, savings contracts or securities of a like nature.

(2) Subclause xii of clause *q* of the said section 1 is amended^{1947, c. 98, s. 1, cl. q, subcl. xii, amended.} by adding at the end thereof the words "or an issuer within the meaning of *The Investment Contracts Act, 1948*", so that the said subclause shall now read as follows:

(xii) any income or annuity contract not issued by an insurance company or an issuer within the meaning of *The Investment Contracts Act, 1948*.

(3) Subclause xv of clause *q* of the said section 1 is amended^{1947, c. 98, s. 1, cl. q, subcl. xv, amended.} by inserting after the word "contract" the words "other than an investment contract within the meaning of *The Investment Contracts Act, 1948*," so that the said subclause shall now read as follows:

- (xv) any investment contract other than an investment contract within the meaning of *The Investment Contracts Act, 1948*, or

.

1947, c. 98,
s. 12,
amended.

2. Section 12 of *The Securities Act, 1947*, is amended by inserting after the word "person" in the seventh line the words "or any partner, officer, director or employee of such registered person", so that the said section shall now read as follows:

Further in-
formation.

12. The registrar may and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted or may require such applicant or such registered person or any partner, officer, director or employee of such registered person or company to submit to examination under oath.

1947, c. 98,
s. 18, cl. c,
amended.

3. Clause *c* of section 18 of *The Securities Act, 1947*, is amended by inserting after the word "any" in the second line the word "partner", and by adding at the end thereof the words "other than compensation paid or given by a mining, industrial or investment company in respect of any services performed for such company", so that the said clause shall now read as follows:

Persons or
companies
registered
for trading
in securi-
ties, etc. .

- (c) any person or company registered for trading in securities under this Act, or any partner, officer or employee thereof, whose performance of such services is solely incidental to the conduct of the business as such, and who receives no special compensation therefor other than compensation paid or given by a mining, industrial or investment company in respect of any services performed for such company.

1947, c. 98,
s. 19, subs. 1,
cl. g,
amended.

4.—(1) Clause *g* of subsection 1 of section 19 of *The Securities Act, 1947*, is amended by inserting after the article "a" where it occurs the third time in the first line the words "person or", so that the said clause shall now read as follows:

Person or
company
selling
securities
through
agent.

- (g) a trade in a security by a person or company acting solely through an agent who is a person or company registered for trading in securities under this Act; or

.

1947, c. 98,
s. 19, subs. 2,
cl. a,
amended.

(2) Clause *a* of subsection 2 of the said section 19 is amended by striking out the words "except for ministerial or professional services" in the twelfth and thirteenth lines, by inserting after the word "given" in the thirteenth line the words "to others", and by adding at the end thereof the words "except

for ministerial or professional services or services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company", so that the said clause shall now read as follows:

- (a) securities of its own issue which are distributed or ^{Stock dividends, distribution of earnings, etc.} issued by a company to the holders of its securities as a stock dividend or other distribution out of earnings or surplus, or securities whether of its own issue or not which are distributed or issued by such company to the holders of its securities as incidental to a *bona fide* re-organization or winding-up of the company or distribution of its assets for the purpose of winding-up its affairs, or the sale by a company to the holders of its securities of additional securities of its own issue, provided that no commission or other remuneration is paid or given to others in respect of such distribution, issuance or sale, except for ministerial or professional services or services performed by a person or company registered for trading in securities under this Act in connection with a *bona fide* re-organization of the company.

5.—(1) The heading immediately preceding section 42 of ^{1947, c. 98, s. 42, re-enacted.} *The Securities Act, 1947*, is repealed and the following substituted therefor:

PROSPECTING SYNDICATES AND SECURITIES
ISSUED BY A PERSON.

(2) Section 42 of *The Securities Act, 1947*, is amended by ^{1947, c. 98, s. 42, amended.} adding thereto the following subsections:

- (5) No person or company registered for trading in ^{Prohibition of trading in securities issued by syndicate.} securities under this Act shall trade in a security issued by a prospecting syndicate either as agent for such prospecting syndicate or as principal.

- (6) No person or company registered for trading in ^{Trading in securities issued by person.} securities under this Act shall trade in a security issued by a person, other than a prospecting syndicate, either as agent for such person or as principal unless,—

- (a) written permission, upon such terms as the Commission may require, has been obtained from the Commission; and
- (b) information satisfactory to the Commission relating to such person and such security has been accepted for filing by the Commission.

1947, c. 98,
s. 43,
amended.

6. Section 43 of *The Securities Act, 1947*, is amended by adding thereto the following subsections:

New
prospectus,
report and
statements
required
within a
period of
one year
of date of
original
filing with
Commission.

- (11) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar.

New
prospectus,
report and
statements
required
within a
period of one
hundred
and twenty
days of pro-
clamation
of the Act.

- (12) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948.

1947, c. 98,
s. 44,
amended.

7. Section 44 of *The Securities Act, 1947*, is amended by adding thereto the following subsections:

New
prospectus,
report and
statements
required
within a
period of
one year
of date of
original
filing with
Commission.

- (11) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar.

New
prospectus,
report and
statements
required
within a
period of
one hundred
and twenty
days of pro-
clamation
of the Act.

- (12) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the

Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 10 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948.

8.—(1) Clause *e* of subsection 5 of section 45 of *The Securities Act, 1947*, is amended by inserting after the word "company" in the first line the words "other than an issuer within the meaning of *The Investment Contracts Act, 1948*", so that the said clause shall now read as follows:

1947, c. 98,
s. 45, subs. 5,
cl. e,
amended.

- (e) in the case of an investment company, other than an issuer within the meaning of *The Investment Contracts Act, 1948*, which issues investment certificates, investment contracts, savings certificates, savings contracts or securities of a similar type, a report by the auditors of such company with respect to the adequacy of the recorded liabilities of such company to the holders of such securities.

(2) The said section 45 is further amended by adding thereto the following subsections:

1947, c. 98,
s. 45,
amended.

- (10) Where the securities of a company are in the course of primary distribution to the public and a statement, balance sheet and profit and loss statement and summary of report, where required under the provisions of *The Securities Act, 1945*, relating to such securities and such company have been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 9 shall be filed with the Commission within a period of one year of the date of the original filing with the Commission subject to the granting of a further period of not more than ninety days in the discretion of the registrar.
- (11) Where the securities of a company are in the course of primary distribution to the public and no complete statement of particulars relating to such securities and such company has been filed with the Commission within a period of one year prior to the 9th day of March, 1948, the material required to be filed with the Commission under the provisions of subsection 9 shall be filed with the Commission within a period of one hundred and twenty days from the 9th day of March, 1948.

New
prospectus,
report and
statements
required
within a
period of
one year of
date of
original
filing with
Commission.

New
prospectus,
report and
statements
required
within a
period of
one hundred
and twenty
days of pro-
clamation
of the Act.

1947, c. 98,
s. 46,
amended.

9.—(1) Section 46 of *The Securities Act, 1947*, is amended by striking out the words “the sale of any securities” in the first and second lines and inserting in lieu thereof the words, letters and figures “trades mentioned in clause *c* or *f* of subsection 1 of section 19 nor to securities”, so that the said section, exclusive of the clauses, shall now read as follows:

Exemptions.

46. Sections 43, 44 and 45 shall not apply to trades mentioned in clause *c* or *f* of subsection 1 of section 19 nor to securities,—

.

1947, c. 98,
s. 46,
amended.

(2) The said section 46 is further amended by striking out the word “or” at the end of clause *c*, by adding the word “or” at the end of clause *d*, and by adding thereto the following clause:

(*e*) which are exempted by the regulations.

1947, c. 98,
s. 58, subs. 1,
amended.

10. Subsection 1 of section 58 of *The Securities Act, 1947*, is amended by inserting after the word “security” in the second line the words “other than a security which carries a right of redemption or repurchase by the person or company issuing such security”, and by inserting after the word “any” in the sixth line the word “such”, so that the said subsection shall now read as follows:

Prohibition
of repre-
sentations.

(1) No person or company, with the intention of effecting a trade in a security other than a security which carries a right of redemption or repurchase by the person or company issuing such security, shall make any representation, written or oral, that he or it or any person or company,—

(*a*) will resell or repurchase; or

(*b*) will refund all or any of the purchase price of,

any such security in which he or it is trading.

1947, c. 98,
s. 59,
re-enacted.

11. Section 59 of *The Securities Act, 1947*, is repealed and the following substituted therefor:

Notice where
acting as
principal.

59.—(1) Where a person or company registered for trading in securities under this Act, with the intention of effecting a trade in a security with any person other than a person registered for trading in securities under this Act, issues, publishes or sends a circular, pamphlet, letter, telegram or advertisement, and proposes to act in such trade as a principal, such

person or company shall so state in such circular, pamphlet, letter, telegram or advertisement or otherwise in writing before entering into a contract for the sale or purchase of any such security and before accepting payment or receiving any security or other consideration under or in anticipation of any such contract.

- (2) Where a person or company registered for trading in securities under this Act, with the intention of Written confirmation. effecting a trade in a security with any person other than a person registered for trading in securities under this Act, makes an oral offer or invitation for an offer to any person and effects such trade as a principal, such person or company shall state in a written confirmation of the contract that he or it has acted as principal.

- (3) A statement made in compliance with this section Where acting as agent. that a person or company registered for trading in securities under this Act proposes to act or has acted as principal in connection with a trade in a security shall not prevent such person or company from acting as agent in connection with a trade in such security.

- (4) This section shall not apply to,— When section not applicable.
- (a) trades mentioned in subsection 1 of section 19; or
- (b) securities described in subsection 2 of section 19.

12. Section 60 of *The Securities Act, 1947*, is repealed and the following substituted therefor: 1947, c. 98, s. 60, re-enacted.

60.—(1) A person who has entered into a contract to which subsection 1 of section 59 applies shall be entitled to rescission of the contract where subsection 1 of section 59 has not been complied with and written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within sixty days of the date of the delivery of the security to or by such person, as the case may be, and in the case of a purchase by such person, he is still the owner of the security purchased. Rescission of contract.

- (2) A person who has entered into a contract to which Idem. subsection 2 of section 59 applies shall be entitled

to rescission of the contract where subsection 2 of section 59 has not been complied with and written notice of exercising the right of rescission is served on the person or company registered for trading in securities under this Act within seven days of the date of the delivery of the written confirmation of the contract and in the case of a purchase by such person, he is still the owner of the security purchased.

Onus.

- (3) In an action for rescission to which this section applies, the onus of proving compliance with section 59 shall be upon the person or company registered for trading in securities under this Act.

Period of limitation.

- (4) No action shall be commenced under this section after the expiration of a period of three months from the date of the service of notice under subsection 1 or 2.

1947, c. 98,
s. 63,
amended.

13. Section 63 of *The Securities Act, 1947*, is amended by inserting after the word "of" in the fifth line the words "or is authorized so to do in writing by", so that the said section shall now read as follows:

Use of name
of another
registered
person or
company.

63. No person or company registered under this Act shall use the name of another person or company registered under this Act on letterheads, forms, advertisements or signs, as correspondent or otherwise, unless he or it is a partner, officer or agent of or is authorized so to do in writing by the other person or company registered under this Act.

1947, c. 98,
s. 75,
amended.

14. Section 75 of *The Securities Act, 1947*, is amended by adding thereto the following clause:

- (mm) prescribing trades or securities, in addition to the trades and securities mentioned in section 46, in respect of which sections 43, 44 and 45 shall not apply.

Special type
of bond.

15.—(1) With the consent in writing and under seal of all parties to a bond filed under section 12 of *The Securities Act, 1945*, the Commission may accept such bond in lieu of the bond required under section 10 of *The Securities Act, 1947*, and the provisions of *The Securities Act, 1947*, shall apply *mutatis mutandis* to such bond.

Saving.

(2) Subsection 1 shall not affect any rights and obligations arising out of the filing of the bond under *The Securities Act, 1945*.

16. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent. _{ment of Act.}

17. This Act may be cited as *The Securities Amendment* ^{Short title.}
Act, 1948.

CHAPTER 83.

An Act to amend The Security Transfer Tax Act,
1939.

Assented to April 16th, 1948
Session Prorogued April 16th, 1948

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Security Transfer Tax Act, 1939*, is amended by striking out the word "four" in the fourth line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

- (1) Every company or corporation, including every extra-provincial company or corporation which has a branch, or an agency, or an office of any kind in Ontario, shall on or before the last day of the month ending six months following the close of its fiscal year make an annual return to the Treasurer showing every sale, transfer or assignment of any registered security issued by such company or corporation made or carried into effect in Ontario, together with the amount of tax collected under this Act.

2. Clause *b* of section 19 of *The Security Transfer Tax Act, 1939*, is repealed.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948, and shall apply with respect to the fiscal years of companies ending in the calendar year 1948 and subsequent fiscal years.

4. This Act may be cited as *The Security Transfer Tax Amendment Act, 1948*.

CHAPTER 84.

An Act respecting Ski-tows.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Minister" means Minister of Travel and Publicity "Minister"; or such other member of the Executive Council to whom the administration of this Act may be assigned by the Lieutenant-Governor in Council;
- (b) "regulations" mean regulations made under the "regulations"; authority of this Act; and
- (c) "ski-tow" means any mechanical ski-tow, mechanical "ski-tow". ski-lift or other similar device.

2. The Lieutenant-Governor in Council may make regu-Regulations.
lations,—

- (a) governing the operation of ski-tows;
- (b) requiring the operators of ski-tows to file proof of financial responsibility with the Minister; and
- (c) prescribing the form, terms, conditions, amount, nature and class of insurance or bond which shall be carried or provided by operators of ski-tows.

3. Every person who operates a ski-tow contrary to the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$50 and not more than \$500 or to imprisonment for a term not less than ten days and not more than six months, or to both fine and imprisonment. Offences and penalties.

4. This Act may be cited as *The Ski-tows Act, 1948.*

Short title.

CHAPTER 85.

An Act to amend The Snow Roads and Fences Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Snow Roads and Fences Act*, as amended Rev. Stat., c. 291, s. 12, amended. by subsection 1 of section 32 of *The Statute Law Amendment Act, 1941*, is further amended by adding thereto the following subsection:

(2a) When weather conditions do not permit the removal of snow fences on or before the 1st day of April, the council may by by-law extend the time during which snow fences may be maintained and the date by which they shall be removed to a date fixed by the by-law. Extension of time for maintenance and removal.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Snow Roads and Fences Amendment Act, 1948*. Short title.

CHAPTER 86.

An Act to amend The Statute Labour Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 10 of *The Statute Labour Act*, as amended by subsection 1 of section 1 of *The Statute Labour Amendment Act, 1945*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 274, s. 10,
subs. 1, re-
enacted.

(1) Twenty resident landholders,—

Meeting for
election of
road com-
missioners.

(a) in any unincorporated township;

(b) in any designated part of any unincorporated township;

(c) in any two or more contiguous unincorporated townships;

(d) in any designated parts of two or more contiguous unincorporated townships; or

(e) in any locality which has not been surveyed or laid out into townships,

shall have the right to have a public meeting called for the purpose of electing road commissioners.

2. Subsection 1 of section 30 of *The Statute Labour Act*, as re-enacted by section 12 of *The Statute Labour Amendment Act, 1945*, is amended by striking out the symbol and figures “\$25” in the tenth line and inserting in lieu thereof the symbol and figures “\$50”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 274, s. 30,
subs. 1
(1945,
c. 23, s. 12),
amended.

(1) The commissioners, at the first meeting after their election, shall elect one of their number as chairman to preside at meetings and shall appoint some com-

Election of
chairman
and appoint-
ment of
secretary-
treasurer.

petent person who may be one of themselves other than the chairman, as secretary-treasurer and the secretary-treasurer shall be exempt from the performance of statute labour and the commissioners may each year pay to the secretary-treasurer out of the commutation fund such amount, not exceeding \$50, as may be fixed by resolution of the commissioners.

Short title.

3. This Act may be cited as *The Statute Labour Amendment Act, 1948*.

CHAPTER 87.

The Statute Law Amendment Act, 1948.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Coroners Act, 1948*, is amended by ^{1948, c. 17, s. 15, amended.} inserting after the word "death" in the third line the words "resulted from any of the circumstances mentioned in section 7 and that such circumstances", so that the said section shall now read as follows:

15. Where a coroner has issued his warrant to take possession of a body within his jurisdiction and it appears that the death resulted from any of the circumstances mentioned in section 7 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as may be required to enable him to determine whether or not an inquest is necessary and where he determines that an inquest is necessary he may, with the consent of the Crown attorney, at any time during the course of the proceedings, transfer the inquest to a coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the body was within his jurisdiction and he had issued the warrant; but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the *post-mortem* examination of the body, and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him.

2. Clause *c* of section 1 of *The District Homes for the Aged Act, 1947*, is repealed and the following substituted therefor: ^{1947, c. 31, s. 1, cl. c. re-enacted.}

- (c) "supervisor" shall mean a supervisor of the Department of Public Welfare. ^{"supervisor".}

1947, c. 46,
s. 1, cl. b,
re-enacted.

3. Clause *b* of section 1 of *The Homes for the Aged Act, 1947*, is repealed and the following substituted therefor:

"super-
visor".

(b) "supervisor" shall mean a supervisor of the Department of Public Welfare.

Rev. Stat.,
c. 45, s. 9,
subs. 4,
amended.

4.—(1) Subsection 4 of section 9 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "Department of Game and Fisheries" in the first and second lines and inserting in lieu thereof the word "Minister", so that the said subsection shall now read as follows:

Fishway.

(4) Upon the request of the Minister made either before or after the construction thereof every such dam hereafter constructed shall be provided with a fishway which will permit the free and unobstructed passage of fish up and down stream at any season of the year.

Rev. Stat.,
c. 45, s. 11,
subs. 6,
amended.

(2) Subsection 6 of section 11 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "Department of Game and Fisheries" in the third line and inserting in lieu thereof the word "Minister", so that the said subsection shall now read as follows:

Direction
for fishway
to be
provided.

(6) Where any dam heretofore constructed has not been provided with a fishway the Lieutenant-Governor in Council may at the request of the Minister, direct that the owner of such dam shall forthwith provide a fishway to permit the free and unobstructed passage of fish up and down stream at any season of the year.

Rev. Stat.,
c. 174, s. 55,
subss. 2, 3,
re-enacted.

5. Subsection 2 and subsection 3, as amended by section 4 of *The Statute Law Amendment Act, 1947 (No. 2)*, of section 55 of *The Land Titles Act* are repealed and the following substituted therefor:

Master of
titles to
furnish
municipality
with list of
conveyances.

(2) The master of titles shall, upon the request of the council of a municipality, furnish a list of all conveyances whereby land in the municipality has been transferred, charged or leased, which have been registered in his office during the next preceding year or any part thereof, and the list shall include in respect of each conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Fees.

(3) The master of titles shall be entitled to a fee of ten cents for every conveyance entered in the list.

Rev. Stat.,
c. 12, s. 9,
subs. 2,
cl. *dd*
(1944,
c. 31, s. 1),
repealed.

6. Clause *dd* of subsection 2 of section 9 of *The Legislative Assembly Act*, as enacted by section 1 of *The Legislative Assembly Amendment Act, 1944*, is repealed.

7. Form 6 of Schedule A to *The Mechanics' Lien Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 200,
Schedule A,
Form 6,
re-enacted.

FORM 6

(Section 35)

NOTICE OF TRIAL

(Style of Court and Cause)

TAKE NOTICE that this action will be tried at the
in the _____ of _____, in the County
(or District) of _____ on the _____
day of _____ and at such time and place the
by _____ will proceed to try the action and all questions as
provided by *The Mechanics' Lien Act*.

And further take notice that if you do not appear at the trial and defend the action or prove your claim, if any, the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

And further take notice that all parties and lien claimants shall bring with them on the day herein set for trial all mortgages, contracts, agreements, orders, cheques, notes, delivery slips, time-books, books of account, diaries, duplicate original liens, and any other books or papers necessary to prove liens or defences. If any person fails to comply with these directions, the costs of the day may be given against him in the event that an adjournment is necessary for the production of any of the above-mentioned documentary evidence.

This is a Mechanics' Lien action brought by the above-named plaintiffs against the above-named defendants to enforce a Mechanics' Lien against the following lands: (*set out description of lands*).

This notice is served by, etc.

Dated _____, 19 ____
To _____

8.—(1) Clause g of subsection 1 of section 10 of *The Niagara Parks Act* is amended by striking out the words "by-law or" in the second line, so that the said clause shall now read as follows:

Rev. Stat.,
c. 93, s. 10,
subs. 1, cl. g,
amended.

(g) for imposing penalties not exceeding \$100 for any breach of any such regulation.

(2) Subsection 2 of the said section 10 is amended by striking out the word "by-law" in the first line and inserting in lieu thereof the word "regulation", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 93, s. 10,
subs. 2,
amended.

(2) Any offence against any such regulation shall be punishable under *The Summary Convictions Act*, and the penalties recoverable under this section shall be payable to the Commission.

Offences
punishable
under
Rev. Stat.,
c. 136.

9. *The Nurses' Registration Act*, *The Nurses' Registration Amendment Act, 1938*, and *The Nurses' Registration Amendment Act, 1944*, are repealed.

Rev. Stat.,
c. 230;
1938, c. 25;
1944, c. 42,
repealed.

1946, c. 63,
s. 1, cl. b,
amended.

10. Clause *b* of section 1 of *The Ontario Food Terminal Act, 1946*, is amended by striking out the words "canned foods" in the first line, so that the said clause shall now read as follows:

"fruit and
produce."

(b) "fruit and produce" shall include dairy products, eggs, fish, honey, maple products, poultry and vegetables.

Rev. Stat.,
c. 170, s. 104,
re-enacted.

11. Section 104 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1947*, is repealed and the following substituted therefor:

Registrar to
furnish muni-
cipality with
list of
conveyances.

(1) The registrar shall, upon the request of the council of a municipality, furnish a list of all conveyances whereby land in the municipality has been transferred, mortgaged or leased, which have been registered in his office during the next preceding year or any part thereof, and the list shall include in respect of each conveyance, the names and addresses of the parties, the consideration and a short description of the land.

Fees.

(2) The registrar shall be entitled to a fee of 10 cents for every conveyance entered in the list.

1947,
c. 111, s. 7,
amended.

12. Section 7 of *The Unclaimed Articles Act, 1947*, is amended by adding at the end thereof the words "or by *The Mechanics' Lien Act*", so that the said section shall now read as follows:

Exceptions.
Rev. Stat.,
cc. 186,
200.

7. This Act shall not affect the right of any person to proceed in the manner prescribed by *The Warehousemen's Lien Act* or by *The Mechanics' Lien Act*.

Power to
acquire
certain
lands.

1928, c. 55.

13.—(1) Notwithstanding *The University Lands Act, 1928*, The Governors of the University of Toronto may purchase or acquire, and may enter upon, take and expropriate any of the lands described in *The University Lands Act, 1928*, as amended by *The University Lands Act, 1929*, or any interest therein, which the said Governors may deem necessary for the purposes of the University of Toronto.

Rev. Stat.,
c. 54 to
apply.

(2) Whenever the said Governors exercise the power to enter upon, take and expropriate any of the said lands, *The Public Works Act* shall apply *mutatis mutandis* and the procedure shall be, as nearly as may be, that provided in *The Public Works Act* where land is taken for the public purposes of Ontario.

1946,
c. 89, s. 45,
repealed.

(3) Section 45 of *The Statute Law Amendment Act, 1946*, is repealed.

(4) This section shall come into force on the day upon which this Act receives the Royal Assent. Commence-
ment of
section.

14. This Act may be cited as *The Statute Law Amendment Act, 1948.* Short title.

CHAPTER 88.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1949.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by message from the Honourable Preamble.
Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1949, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding \$149,064,-
619.00
granted for
fiscal year
1948-49. in the whole one hundred and forty-nine million, sixty-four thousand, six hundred and nineteen dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1948, to the 31st day of March, 1949, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1948-49 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1948. Accounts to
be laid
before
Assembly.

3. Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1949, shall not be expended thereafter, except in the payment of accounts and Appropriations for
1948-49
unexpended
to lapse.

Rev. Stat.,
c. 24.

expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Accounting
for expendi-
ture.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Supply Act, 1948*.

SCHEDULE A

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-nine to defray expenses of:

Agriculture Department	\$ 5,867,920.00
Attorney-General's Department.....	6,006,165.00
Education Department.....	41,453,000.00
Health Department.....	21,896,800.00
Highways Department.....	2,666,800.00
Insurance Department.....	96,700.00
Labour Department.....	4,860,992.00
Lands and Forests Department.....	8,192,000.00
Lieutenant-Governor's Office.....	14,000.00
Mines Department.....	757,700.00
Municipal Affairs Department.....	650,500.00
Planning and Development Department.....	598,845.00
Prime Minister's Office.....	33,360.00
Provincial Auditor's Office.....	174,500.00
Provincial Secretary's Department.....	1,517,700.00
Provincial Treasurer's Department.....	2,251,050.00
Public Welfare Department.....	36,041,737.00
Public Works Department.....	9,675,000.00
Reform Institutions Department.....	5,691,900.00
Travel and Publicity Department.....	467,950.00
Miscellaneous.....	150,000.00

Total estimates for expenditure of 1948-

1949..... \$149,064,619.00

CHAPTER 89.

An Act to amend The Surveys Act.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Surveys Act*, as amended by section 1 of *The Surveys Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 232, s. 13, subs. 1, re-enacted.

- (1) Every angle of the exterior boundary of a subdivision plan of any area of land prepared for the purpose of registration under *The Registry Act* or *The Land Titles Act* shall be defined in the survey thereof by a monument made of,— Monuments on subdivision plans. Rev. Stat., cc. 170, 174.

- (a) stone or reinforced concrete five inches square at the top, eight inches square at the base and not less than three feet, six inches in length, planted so that the top is flush with the ground level; or
- (b) iron in the form of a bar one inch square and four feet long driven into the ground so that the top is flush with the ground level; or
- (c) in the case of exposed solid rock, iron in the form of a bolt one inch square and four inches long cemented or leaded into the rock so that the top is flush with the rock level,

provided that where the nature of the location is such that it is impracticable to fully comply with this subsection, the monument shall be so erected and fixed and of such a type as will represent substantial compliance therewith.

2. This Act may be cited as *The Surveys Amendment Act*, Short title. 1948.

CHAPTER 90.

An Act to amend The Teachers' and Inspectors' Superannuation Act, 1946.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause *d* of section 1 of *The Teachers' and Inspectors' Superannuation Act, 1946*, is amended by inserting after the word "school" where it occurs the first time in the fourth line the word "or", and by striking out the the words "the Ontario College of Education, or the University of Toronto Schools" in the fifth, sixth and seventh lines, so that the said subclause shall now read as follows:

- (i) as a teacher in or inspector of a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school, or a school to which *The Vocational Education Act* applies.

(2) Subclause vi of clause *d* of the said section 1 is repealed.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

3. This Act may be cited as *The Teachers' and Inspectors' Superannuation Amendment Act, 1948*.

1946, c. 96,
s. 1, cl. *d*,
subcl. i,
amended.

1946, c. 96,
s. 1, cl. *d*,
subcl. vi,
repealed.

Commence-
ment of Act.

CHAPTER 91.

An Act to amend The Teaching Profession Act, 1944.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 5 and 6 of *The Teaching Profession Act, 1944*,^{1944, c. 64, ss. 5, 6 re-enacted.} are repealed and the following substituted therefor:

5.—(1) There shall be a Board of Governors of the Federation which shall be composed of forty members as follows: ^{Board of Governors.}

(a) the immediate past president, the president, the first vice-president, the second vice-president and the secretary-treasurer of The Ontario Secondary School Teachers' Federation, The Federation of Women Teachers' Associations of Ontario and The Ontario Public School Men Teachers' Federation, and five representatives of each of such federations, who shall be elected annually at the annual meeting of their federation;

(b) five representatives of L'Association de l'Enseignement Francais de l'Ontario, who shall be elected annually at the annual meeting of the Association; and

(c) five representatives of The Ontario English Catholic Teachers' Association, who shall be elected annually at the annual meeting of the Association.

(2) The members of the Board of Governors shall take office at the conclusion of the annual meeting of the Federation and shall hold office until their successors take office. ^{Term of office.}

Vacancies.

- (3) If a vacancy occurs on the Board of Governors it shall be filled by the executive of the affiliated body which the person who vacated the office represented and the person so named to fill the vacancy shall hold office for the remainder of the term of the person who vacated the office.

Executive.

- 6.—(1) There shall be an executive of the Federation which shall be composed of nine members as follows:

(a) the immediate past president, the president, the first vice-president, the second vice-president and the third vice-president of the Federation;

(b) one representative of The Ontario Secondary School Teachers' Federation, one representative of The Federation of Women Teachers' Associations of Ontario and one representative of The Ontario Public School Men Teachers' Federation, who shall be elected annually at the annual meeting of the Board of Governors from among its members; and

(c) the secretary-treasurer of the Federation.

Term of office.

- (2) The members of the executive shall take office at the conclusion of the annual meeting of the Federation and shall hold office until their successors take office.

Vacancies.

- (3) If a vacancy occurs on the executive it may be filled by the Board of Governors from among its members who represent the affiliated body which the person who vacated the office represented, and the person so named shall hold office for the remainder of the term of the person who vacated the office.

President and vice-presidents.

- 6a. There shall be a president, a first vice-president, a second vice-president and a third vice-president of the Federation who shall be elected annually at the annual meeting of the Board of Governors from among its members in such a manner that the offices of the immediate past president, president, first vice-president, second vice-president and third vice-president shall represent each of the affiliated bodies.

Secretary-treasurer.

- 6b. There shall be a secretary-treasurer of the Federation appointed by the Board of Governors who may be a member of the Board of Governors and who shall receive such remuneration as may be fixed by the Board of Governors.

2. Clause *d* of section 10 of *The Teaching Profession Act*, <sup>1944, c. 64,
s. 10, cl. *d*,
repealed.</sup> 1944, is repealed.

3. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent and shall be deemed to have had ^{ment of Act.}
effect on and after the 1st day of January, 1948.

4. This Act may be cited as *The Teaching Profession* ^{Short title.}
Amendment Act, 1948.

CHAPTER 92.

An Act to amend The Ticket Speculation Act.

Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Ticket Speculation Act* is amended by striking out the words "such sale does not exceed twenty-five cents for each ticket" in the seventh line and inserting in lieu thereof the words "the sale of each ticket does not exceed the maximum prescribed in the Schedule to this Act", so that the said section shall now read as follows:

3. This Act shall not apply to the sale of tickets by the proprietor of a shop or hotel stand or his servant when such proprietor is an agent of a theatre, opera house, public hall, grandstand, or of the owner or promoter of a show, game, race meeting, exhibition, or amusement of any kind whatever for the sale of tickets, and where the commission charged upon the sale of each ticket does not exceed the maximum prescribed in the Schedule to this Act.

2. *The Ticket Speculation Act* is amended by adding thereto the following Schedule:

SCHEDULE

Price of Ticket	Maximum Commission
Up to \$1.99.....	.25
\$2.00 to \$2.99.....	.35
3.00 to 3.99.....	.45
4.00 and up.....	.50

3. This Act may be cited as *The Ticket Speculation Amendment Act, 1948*.

CHAPTER 93.

An Act to amend The Tourist Camp Regulation
Act, 1946.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Tourist Camp Regulation Act, 1946*, is amended by striking out the word "and" at the end of clause *k*, by adding the word "and" at the end of clause *l* and by adding thereto the following clause:

(*m*) requiring the operators of tourist camps to keep posted in a conspicuous place in every room or cabin used for sleeping accommodation a notice specifying the rates charged for such room or cabin.

2. *The Tourist Camp Regulation Act, 1946*, is amended by adding thereto the following section:

5a. This Act shall not apply to camps operated by charitable institutions within the meaning of *The Charitable Institutions Act*.

3. This Act may be cited as *The Tourist Camp Regulation Amendment Act, 1948*.

CHAPTER 94.

An Act to amend The Training Schools Act, 1939.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 15 of *The Training Schools Act, 1939*, is amended by striking out the word "fifty" in the sixth line and inserting in lieu thereof the word "seventy-five", so that the said subsection shall now read as follows: 1939, c. 51,
s. 15, subs. 1,
amended.

- (1) Subject as in this Act may otherwise be provided, when a boy or girl is sent or admitted to a training school, the municipality to which the boy or girl belongs shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay the sum of seventy-five cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the boy or girl in the training school. Liability
of municipi-
pality.

2. Subsection 1 of section 20 of *The Training Schools Act, 1939*, as amended by section 1 of *The Training Schools Amendment Act, 1947*, is further amended by striking out the word "fifty" in the first line and inserting in lieu thereof the word "seventy-five", and by striking out the words "one dollar" in the amendment of 1947 and inserting in lieu thereof the symbol and figure "\$1.50", so that the said subsection shall now read as follows: 1939, c. 51,
s. 20, subs. 1,
amended.

- (1) The sum of seventy-five cents per day and in the case of a boy or girl belonging to a part of a provisional judicial district not within a city or separated town or a town or township having a population of 5,000 or over the sum of \$1.50 per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose. Contribu-
tion from
Province
to private
schools.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Training Schools Amendment Act, 1948*.

CHAPTER 95.

An Act to amend The University Avenue Extension Act, 1928.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 2 of *The University Avenue Extension Act, 1928*, is amended by striking out the words ^{1928, c. 17, s. 2, subs. 5, amended.} "Railway and" in the seventh line and the words "and of the Lieutenant-Governor in Council" in the seventh and eighth lines, so that the said subsection shall now read as follows:

- (5) Upon University Avenue being extended under the provisions of this Act the lands acquired by the said corporation on either side of University Avenue as ^{Sale of new frontages on extension of University Avenue.} so extended shall be sold, leased or otherwise disposed of by the said corporation upon such terms and conditions as may be fixed by by-law of the council of the said corporation with the approval of the Ontario Municipal Board, and all purchase moneys and rentals received for such lands shall be paid into the general funds of the corporation.

2. This Act may be cited as *The University Avenue Extension Amendment Act, 1948*. Short title.

CHAPTER 96.

An Act to amend The Vocational Education Act.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Vocational Education Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 369, s. 1,
cl. *a*, re-
enacted.

(a) "Board" shall mean a board of education or the "Board" board of a high school.

(2) Clause *b* of the said section 1, as re-enacted by subsection 1 of section 33 of *The School Law Amendment Act, 1945* and amended by section 1 of *The Vocational Education Amendment Act, 1947*, is further amended by adding at the end thereof the words "but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county", so that the said clause shall now read as follows:

Rev. Stat.,
c. 369, s. 1,
cl. *b* (1945,
2nd Sess.,
c. 8, s. 33,
subs. 1),
amended.

(b) "County pupils" shall mean pupils,

"County
pupils".

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district, but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county.

Rev. Stat.,
c. 369, s. 1,
cl. e, re-
enacted.

(3) Clause *e* of the said section 1 is repealed and the following substituted therefor:

"Resident
pupils".

(e) "Resident pupils" shall mean pupils,

- (i) who reside with their parents or guardians, or
- (ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district or a grade A or grade B continuation school district in which a vocational school is established and maintained, but shall not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes within the district.

Rev. Stat.,
c. 369,
ss. 3, 4, 5,
re-enacted.

2. Sections 3 and 4 and section 5 as amended by section 2 of *The Vocational Education Amendment Act, 1947*, of *The Vocational Education Act* are repealed and the following substituted therefor:

Establishing
vocational
schools.

3. Subject to the approval of the Minister, a board may establish and maintain a vocational school.

Courses of
study.

4. Subject to the approval of the Minister, a vocational school under this Part may provide,—

- (a) pre-vocational school courses of study;
- (b) general full-time day courses of study;
- (c) part-time day courses of study;
- (d) special full-time day courses of study; and
- (e) evening courses of study.

Admission of
pupils to
vocational
schools.
Rev. Stat.,
c. 360.

5.—(1) Pupils entitled under *The High Schools Act* to admission to a day high-school may be admitted to any vocational school under this Part.

Admission to
pre-
vocational
school
courses.

(2) Upon the recommendation of the vocational-school principal and with the approval of the advisory committee, pupils who have successfully completed grade VII at a public or separate school may be admitted to any pre-vocational school course of study at a vocational school.

- (3) Subject to the regulations, pupils of thirteen years of age and over, who have been in attendance in auxiliary classes, or who are eligible for admission to such classes, may, with the approval of the Minister and upon an examination conducted subject to his direction, be admitted to special industrial schools established by a board for the purpose of giving vocational instruction to such pupils where it is found that they may be benefited by it. Admission of pupils from auxiliary classes.

- (4) Where the vocational school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,— Admission of adults.

(a) to a special full-time day course of study;

(b) to a part-time day course of study; or

(c) to an evening course of study.

- (5) Except with the consent of the Minister, a pupil enrolled in a full-time day course of study shall not be admitted to an evening course of study. Restrictions on admission to evening courses.

- (6) Where a pupil has,—

(a) attended pre-vocational school classes in a vocational school for at least one year; and

(b) made progress in his course of study satisfactory to the principal,

Transfer from pre-vocational courses.

he may, upon the recommendation of the principal and with the approval of the Director of Vocational Education, transfer to any other course of study in the vocational school.

- (7) Where a pupil has the right under this Act to attend,— Fees.

(a) general or special full-time day courses of study; or

(b) part-time day courses of study for apprentices under *The Apprenticeship Act*, or for adolescents under section 5 of *The Adolescent School Attendance Act*, Rev. Stat., c. 192.
Rev. Stat., c. 368.

he shall be exempt from the payment of fees.

- (8) Notwithstanding subsection 7, where a pupil,—

When fees payable.

(a) has completed grade VIII at a public or separate school; and

(b) has attended a high or vocational school or collegiate institute or grade A or grade B continuation school, for at least six years,

he shall not be admitted to a vocational school except upon the payment of such fees as the board may prescribe but not exceeding the average cost per pupil for education in that vocational school.

Rev. Stat.,
c. 369, s. 13,
amended.

3. Section 13 of *The Vocational Education Act* is amended by adding thereto the following subsection:

Cost of
pupils from
other
secondary
school
districts.

(4d) The cost of education of pupils attending a vocational school from another high school district or grade A or grade B continuation school district shall be calculated in the same manner *mutatis mutandis* as the cost of education of county pupils, and shall be levied by the council or councils of the municipality or municipalities comprising such district in accordance with section 42 of *The High Schools Act*, and paid to the board operating the vocational school.

Rev. Stat.,
c. 360.

4. Part II of *The Vocational Education Act*, as amended by section 35 of *The School Law Amendment Act, 1945*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 369,
Part II,
re-enacted.

PART II.

PROVINCIAL TECHNICAL AND POLYTECHNICAL INSTITUTES.

Establishing
institutes.

17.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may establish, maintain, conduct and govern schools for advanced technical training required in one or more branches of industry.

Agreements.

(2) For the purpose of subsection 1 the Minister may enter into an agreement with any organization representing one or more branches of industry.

Names of
institutes.

(3) A school providing instruction in one branch of industry shall be known as a "provincial technical institute" and in more than one branch of industry as a "provincial polytechnical institute".

- (4) The Minister shall designate the name of an institute. Naming institutes.
- 18.—(1) A provincial technical institute shall be maintained and conducted by a board assisted by an advisory committee. Board and advisory committee.
- (2) The board and advisory committee shall be appointed by the Minister. Appointment.
- 19.—(1) A provincial polytechnical institute shall be maintained and conducted by a board assisted by,— Board, advisory council and committee.
- (a) an advisory council; and
- (b) an advisory committee for each branch of industry in which training is given at the institute.
- (2) The board, advisory council and advisory committees shall be appointed by the Minister. Appointment.
20. The cost of establishing and maintaining a provincial technical or polytechnical institute shall be borne and paid out of moneys appropriated by this Legislature or received from Canada for the purposes of technical education, and out of moneys contributed by any organization which has entered into an agreement under subsection 2 of section 17. Cost of establishing and maintaining institutes.
- 20a. The Lieutenant-Governor in Council may make regulations with respect to schools established under this Part,— Regulations.
- (a) for the appointment and composition of boards, advisory councils and advisory committees and fixing the number of members thereof;
- (b) prescribing,
- (i) the duties of boards, advisory councils or advisory committees, and
- (ii) constitutions for advisory councils or advisory committees;
- (c) for the holding of meetings of boards, advisory councils or advisory committees, the manner in which the meetings are to be called and conducted and the procedure thereat;

- (d) for the election or appointment of a chairman and secretary of boards, advisory councils or advisory committees, and prescribing their duties;
- (e) authorizing a principal to designate the secretary of a board;
- (f) prescribing the qualifications and governing the appointment of principals and teachers;
- (g) prescribing the duties of inspectors, principals, teachers and pupils;
- (h) for the establishment of full-time day courses of study, special and part-time day courses of study and evening courses of study, but only where the approval of the Minister is obtained;
- (i) for the admission of pupils, and prescribing the terms and conditions of admission;
- (j) classifying persons who may be admitted from outside Ontario and fixing the amount of fees payable by each class and the manner of payment;
- (k) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees and authorizing boards to fix the amount thereof and the manner of payment;
- (l) requiring pupils to pay registration and laboratory fees and fixing the amount thereof and the manner of payment; and
- (m) for the granting of diplomas and certificates of standing and prescribing the forms thereof.

Alternative
admission—
require-
ments.

20b. The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute,—

- (a) such evidence of academic standing or course of training as the principal and advisory committee deem equivalent thereto; or
- (b) evidence, satisfactory to the principal and advisory committee, that the applicant for

admission is competent to undertake the course of study.

20c. The Minister may, for each provincial technical or polytechnical institute,—

Terms,
courses,
subjects,
text-books
and reference
books.

(a) determine the number of terms and the dates each term commences and ends; and

(b) prescribe the courses of study, subjects, time allotments for subjects, text-books and reference books.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

Commence-
ment of Act.

6. This Act may be cited as *The Vocational Education Amendment Act, 1948.*

Short title.

CHAPTER 97.

The Vital Statistics Act, 1948.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpretation,—

- (a) "birth" means the complete expulsion or extraction "birth";
from its mother of a foetus which did at any time after being completely expelled or extracted from the mother breathe or show any other sign of life, whether or not the umbilical cord was cut or the placenta attached;
- (b) "cemetery" includes a vault, a mausoleum and any "cemetery";
land which is set apart or used for the interment of the dead or in which bodies are buried; R.S.O. 1937, c. 88, s. 1, cl. (a), *amended*.
- (c) "cemetery owner" includes the person who is in "cemetery owner";
charge of a cemetery or crematorium under the authority of the owner thereof;
- (d) "certificate" means a certified extract of the pre-"certificate";
scribed particulars of a registration in the records of the Registrar-General;
- (e) "cremation" means the disposal of a dead body by "cremation";
incineration under *The Cemetery Act*, Rev. Stat., c. 351.
- (f) "Deputy Registrar-General" means the Deputy "Deputy Registrar-General";
Registrar-General appointed under this Act;
- (g) "division registrar" means division registrar ap-"division registrar";
pointed under this Act and includes an Indian-agent;

- "divorce"; (h) "divorce" means dissolution and annulment of marriage and includes nullity of marriage;
- "error"; (i) "error" means any incorrect information and includes omission of information; *New*.
- "funeral director"; (j) "funeral director" means a person who takes charge of the body of a still-born child or a deceased person for the purpose of burial, cremation or other disposition; 1942, c. 34, s. 40 (1), *amended*.
- "incapable"; (k) "incapable" means incapacity through death, illness, absence from Ontario or otherwise;
- "Indian"; (l) "Indian" means an Indian within the meaning of the *Indian Act* (Canada) but does not include an enfranchised Indian;
R.S.C., c. 98.
- "Indian-agent"; (m) "Indian-agent" means an Indian-agent within the meaning of the *Indian Act* (Canada); *New*.
- "inspector"; (n) "inspector" means an inspector of vital statistics appointed for the purposes of this Act; R.S.O. 1937, c. 88, s. 1, cl. (c), *amended*.
- "notation"; (o) "notation" means any addition to, or alteration of, a registration in the records of the Registrar-General or a division registrar; *New*.
- "municipality"; (p) "municipality" means a city, town, village, organized township or improvement district; R.S.O. 1937, c. 88, s. 1, cl. (d), *amended*.
- "nurse"; (q) "nurse" includes any person, other than a legally qualified medical practitioner, who attends at the birth of a child; R.S.O. 1937, c. 88, s. 1, cl. (e), *amended*.
- "occupier"; (r) "occupier" includes a governor, keeper, warden, superintendent, manager or resident physician of any gaol, prison, penitentiary or other place of detention, a children's home or orphanage, a public or private medical, surgical, maternity or mental hospital, or any public or private charitable institution, a manager of an hotel, and a keeper of a house for public accommodation, a tourist camp or other stopping-place for persons; R.S.O. 1937, c. 88, s. 1, cl. (f), *amended*.
- "prescribed form"; (s) "prescribed form" means the form prescribed by the regulations; R.S.O. 1937, c. 88, s. 1, cl. (g), *amended*.

- (*t*) "Registrar-General" means the member of the Executive Council who is charged with the administration of this Act; R.S.O. 1937, c. 88, s. 1, cl. (*h*), *amended*. ^{"Registrar-General";}
- (*u*) "religious body" means a church or any religious denomination, sect, congregation or society; ^{"religious body";}
- (*v*) "state" means any state or territory of the United States of America, or the District of Columbia; and *New*. ^{"state";}
- (*w*) "still-birth" means the complete expulsion or extraction from its mother after the twenty-eighth week of pregnancy of a foetus which did not at any time after being completely expelled or extracted from the mother breathe or show any other sign of life. 1943, c. 28, s. 40, *part, amended*. ^{"still-birth".}

ADMINISTRATION.

2.—(1) The Registrar-General shall direct a uniform system of registration of births, marriages, deaths, still-births, adoptions, divorces and changes of name in Ontario, and shall be charged with the enforcement of the provisions of this Act. R.S.O. 1937, c. 88, s. 8 (1), *part, amended*. ^{Uniform system of registration.}

(2) The Registrar-General shall cause the registrations of births, marriages, deaths, still-births, adoptions, divorces and changes of name occurring in Ontario and received in his office to be numbered in seven separate series and otherwise systematically filed according to each calendar year in accordance with the regulations and carefully kept in vaults provided for that purpose. ^{Registrations to be numbered by Registrar-General.}

(3) The Registrar-General shall cause the said registrations to be indexed separately according to each calendar year, and each index shall contain the numbers and such other particulars of the registrations as may be prescribed by the regulations. R.S.O. 1937, c. 88, s. 10, *amended*. ^{Indexing.}

3.—(1) The Registrar-General shall examine the registrations received from the division registrars, and if the registrations are incomplete or unsatisfactory, he shall require such information to be supplied as may be necessary to complete the registration. R.S.O. 1937, c. 88, s. 8 (2), *amended*. ^{Examination of registrations.}

(2) Where it is found upon examination that any registration received from a division registrar is incomplete as to the ^{Registrations not signed.}

required signatures, the Registrar-General shall cause the registration to be returned by registered mail to the proper division registrar in order that the signatures may be obtained.

Classifica-
tion by
International
List of
Causes of
Death.

(3) The Registrar-General shall cause all deaths registered under this Act to be classified according to the International List of Causes of Death as revised at the last decennial revision thereof by the International Commission assembled for that purpose and he shall supply free of charge to every legally qualified medical practitioner in Ontario a Physician's Pocket Reference Book explanatory of such list.

Publication
of Registrar-
General.

(4) The Registrar-General may collate, publish and distribute such statistical information regarding the births, marriages, deaths, still-births, adoptions, divorces and changes of name registered during any period as he may deem to be necessary and in the public interest. *New.*

Annual
report of
Registrar-
General.

(5) As soon after the 1st day of January in each year as convenient, the Registrar-General shall cause to be printed, for the use of the Legislative Assembly and for public information, a full report of the births, marriages, deaths, still-births, adoptions, divorces and changes of name for the preceding calendar year. R.S.O. 1937, c. 88, s. 4, *amended.*

Instructions
by Registrar-
General.

(6) The Registrar-General shall prepare and issue to every division registrar such detailed instructions as may be required to procure the uniform observance of the provisions of this Act. R.S.O. 1937, c. 88, s. 8 (1), *part, amended.*

Deputy
Registrar-
General.

1947, c.89.

4.—(1) There shall be a Deputy Registrar-General appointed by the Lieutenant-Governor in Council who shall be deemed to be a deputy minister under *The Public Service Act, 1947*, and who shall have direct supervision of the office of the Registrar-General and be directly responsible to the Registrar-General for the conduct of his office, and shall perform such other duties as may be prescribed by the regulations or delegated to him by the Registrar-General. *New.*

Appointment
and duties of
inspectors.

(2) The Lieutenant-Governor in Council may appoint inspectors of vital statistics for the purpose of this Act, who shall perform such duties as may be prescribed by the regulations. R.S.O. 1937, c. 88, s. 3, *amended.*

REGISTRATION OF BIRTHS.

Duty of
medical
practitioner.

5.—(1) Every legally qualified medical practitioner who attends at the birth within Ontario of a child shall give notice of the birth.

(2) Where no legally qualified medical practitioner is in attendance at the birth, the nurse in attendance shall give the notice of the birth. Duty of nurse.

(3) The notice of the birth shall be in the prescribed form and shall be given by delivering or mailing the notice within two days after the day of birth to the division registrar of the registration division within which the child was born. R.S.O. 1937, c. 88, s. 20, *amended*. Mode of giving notice.

(4) The notice so given shall be transmitted by the division registrar to the Registrar-General and preserved by the Registrar-General until such time as the registration of the birth has been completed under this Act. *New*. Notice to be preserved.

6.—(1) Within thirty days after the day of the birth within Ontario of a child,— Statement of birth.

- (a) the mother;
- (b) if the mother is incapable, the father;
- (c) if the mother and father are incapable, the person standing in the place of the parents of the child; or
- (d) if the mother and father are incapable and there is no person standing in the place of the parents of the child, the occupier of the premises in which the child is born, if he has knowledge of the birth, and the nurse or other person present at the birth,

shall complete, certify and deliver or mail a statement in the prescribed form respecting the birth to the division registrar of the registration division within which the child was born, provided that the Registrar-General may accept the statement of the father although the mother is not incapable. R.S.O. 1937, c. 88, s. 21 (1, 2), *amended*.

(2) Notwithstanding the provisions of subsection 1, the father of an illegitimate child shall not be required to register the birth of such child. No duty on father of illegitimate child to register.

(3) The statement shall state whether the mother of the child is single, married, widowed or divorced, but shall not state whether the parents of the child are married to each other. Contents of statement.

(4) No indication of the paternity of the child shall be given in the registration of the birth of a child of a married woman, but the particulars of the husband may be given, provided that the statement shall not be rendered unreceivable by reason only of failure to supply the particulars of the husband. *New*. Birth of child to married woman.

Name of
illegitimate
child.

(5) In the registration of the birth of a child of an unmarried woman, the child shall be registered in the name of the mother and no person shall be named as the father, provided that where the person acknowledging himself to be the father and the mother so request in writing, the father may be named and the child registered in the name of the father in accordance with the request, and if such request is made after the registration of the birth the Registrar-General may amend the registration in accordance with the request by making a notation thereon. R.S.O. 1937, c. 88, s. 23 (1), *amended*.

Plural
births.

(6) If more than one child is delivered from the mother during a single confinement, a separate statement for each child shall be completed, certified and delivered or mailed as provided in subsection 1, and in each statement the number of children born during the confinement and the number in the order of birth shall be given. *New*.

Violation.

7. If the statement respecting the birth of a child is not completed, certified and delivered or mailed in the manner and within the time provided in section 6, every person upon whom the duty of completing, certifying and delivering or mailing the statement is imposed by section 6 shall remain liable to perform that duty notwithstanding the expiration of the time so provided, and shall, in respect of each successive period of thirty days thereafter during which he neglects so to complete, certify and deliver or mail the statement, be guilty of a violation of this Act. *New*.

Registration
of birth.

8.—(1) Upon receipt, within one year from the day of the birth of a child, of a statement in the prescribed form respecting the birth, the division registrar if he is satisfied as to the correctness and sufficiency thereof, shall register the birth by signing the statement, and thereupon the statement shall constitute the registration of the birth. R.S.O. 1937, c. 88, s. 25, *amended*.

Acknowledg-
ment of
registration.

(2) Upon the registration of a birth, the division registrar shall issue to the person registering the birth, without charge, an acknowledgment of the registration of the birth in the prescribed form. R.S.O. 1937, c. 88, s. 21 (3), *amended*.

Not a
certificate.

(3) The acknowledgment of registration of a birth shall not be deemed to be or be used in any way as a birth certificate.

Not to
register after
one year.

(4) A division registrar shall not register a birth after one year from the day of the birth. R.S.O. 1937, c. 88, s. 42, *part, amended*.

Registration
of birth by
Registrar-
General.

9.—(1) If the birth of a child has not been registered within one year from the day of the birth, application for the registra-

tion of the birth may be made to the Registrar-General in the prescribed form by the person whose birth has not been registered or by any other person.

(2) The application shall be accompanied by,—

Method of
application
for registra-
tion.

- (a) the prescribed fee;
- (b) the statement provided for in subsection 1 of section 6, completed and certified;
- (c) a statutory declaration in the prescribed form by the applicant or any other person; and
- (d) such other evidence as may be prescribed by the regulations.

(3) If the Registrar-General is satisfied as to the *bona fides* of the application and the correctness and sufficiency of the evidence adduced in support thereof, and that the regulations have been complied with, he may register the birth by signing the statement, and thereupon the statement shall constitute the registration of the birth. R.S.O. 1937, c. 88, s. 42, *part, amended*.

Registra-
tion.

10.—(1) If a living new-born child is found deserted, the person who finds the child and any person in whose charge the child is placed shall give to the best of his knowledge and belief to the division registrar of the registration division within which the child is found, within seven days after the finding or taking charge of the child, such information concerning the birth of the child as the informant may possess. R.S.O. 1937, c. 88, s. 22, *amended*.

Foundlings.

(2) The division registrar, upon receipt of such information regarding the birth of the child, and upon being satisfied that every effort has been made to identify the child without success shall,—

Duties of
division
registrar.

- (a) cause the person who found or has charge of the child to complete a statutory declaration concerning the facts of the finding of the child and to complete and certify, so far as the person is able, a statement in the prescribed form required under subsection 1 of section 6;
- (b) cause the child to be examined by the local medical officer of health or a legally qualified medical practitioner with a view to determining as nearly as possible the day of the birth of the child, and the

examiner shall make a statutory declaration setting forth the facts as determined by the examination; and

- (c) make a detailed report of the case and transmit the report to the Registrar-General together with evidence regarding the birth of the child.

Fee.

(3) A legally qualified medical practitioner shall receive a fee of \$5 for the examination under clause *b* of subsection 2, which fee shall be paid by the Treasurer of Ontario out of the Consolidated Revenue Fund.

Registration of birth of foundlings.

(4) The Registrar-General, upon receipt of the evidence referred to in subsection 2, shall review the case and upon being satisfied as to the correctness and sufficiency of the facts stated, shall register the birth and for the purpose of registration shall establish for the child,—

- (a) a date of birth;
 (b) a place of birth; and
 (c) a surname and given name.

Subsequent registration if child identified.

(5) If, subsequent to the registration, the identity of the child is established to the satisfaction of the Registrar-General, he may by order set aside the registration made pursuant to this section and cause the substitution of a new registration of the birth in accordance with the actual facts of the birth, and cause the original registration to be withdrawn from the registration files and kept in a separate file and sealed.

Date of registration.

(6) Where the identity of the child is established and a new registration is made pursuant to subsection 5, the date of the new registration shall be the date of the original registration.

Cancellation of certificates.

(7) The holder of a certificate issued in respect of a registration of a birth made pursuant to subsection 4, which registration has been withdrawn pursuant to subsection 5, shall deliver it forthwith upon demand to the Registrar-General for cancellation. *New.*

Registration of child legitimated by subsequent marriage.

11.—(1) Where a child has been legitimated by the subsequent intermarriage of his parents, then upon the parents,—

- (a) completing and certifying the statement required under subsection 1 of section 6;
 (b) delivering the statement, together with such evidence

as to the legitimation as is required by the regulations,
to the Registrar-General; and

- (c) paying the prescribed fee,

the Registrar-General shall,—

- (d) register the birth as if the parents had been married
to each other at the time of the birth; and
- (e) make a notation on the statement that the registra-
tion was made under this section,

and the statement shall constitute the registration of the birth,
provided that upon proof that one of the parents is dead or
mentally incapable, the application may be made by the other
parent.

(2) Where the birth of the child has been registered before
the marriage, the original registration shall be withdrawn from
the registration files and shall be kept in a separate file and
sealed. 1939, c. 47, s. 33, *amended*. Original
registration
to be with-
drawn.

12.—(1) Where the birth of a child has been registered,
and,— Alteration
of given
name of
child.

- (a) the given name by which the child was registered
has been changed; or
- (b) the child was registered without a given name,

the Registrar-General, upon payment of the prescribed fee
and upon receipt of a statutory declaration containing such
particulars as may be prescribed by the regulations as to the
change or giving of the given name, completed by the father,
mother or guardian of the child, or the person procuring the
name to be changed or given, shall cause a notation of the
alteration or addition to be made on the registration of the
birth.

(2) Where the change of the given name is effected by
baptism, a certificate of baptism signed by the person who
performed the rite of baptism shall be filed with the statutory
declaration. R.S.O. 1937, c. 88, s. 27 (1), *amended*. Baptismal
certificate
to be filed.

(3) This section shall apply only where the given name of
the child was changed or the new name given within ten
years after the birth of the child. Applicability
of section.

Limitation
on altera-
tions to
given name.

(4) No notation shall be made in a registration regarding the given name of a child except in the manner prescribed in subsection 1, or pursuant to the provisions of this Act in respect of adopted children, changes of names and correction of errors.

Notation to
be dated and
initialled.

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations.

Changes to
be shown on
certificate.

(6) If subsequent to the making of a notation pursuant to this section application is made for a birth certificate, the certificate shall be prepared as if the registration had been made containing the changed or new given name at the time of registration, but if a certified copy of the registration is required, the certified copy shall contain a copy of the notation made pursuant to subsection 1. *New.*

REGISTRATION OF STILL-BIRTHS.

Statement re
still-births.

13.—(1) In the case of a still-birth within Ontario, the person who, in the case of a birth, would have been required to furnish particulars of the birth under subsection 1 of section 6, shall complete, certify and deliver a statement in the prescribed form respecting the still-birth to the funeral director in charge of the body.

Medical
certificate.

(2) The legally qualified medical practitioner in attendance at a still-birth, or where there is no legally qualified medical practitioner in attendance, a coroner shall complete a medical certificate in the prescribed form of the cause of the still-birth and shall deliver it to the funeral director in charge of the body.

Duty of
funeral
director.

(3) Upon receipt of the statement and the medical certificate, the funeral director shall complete the statement setting forth the proposed date and place of burial, cremation or other disposition or the removal of the body and shall deliver the statement and medical certificate to the division registrar of the proper registration division.

Registration
of still-
birth.

(4) Upon receipt of the statement and the medical certificate the division registrar, if he is satisfied as to the correctness and sufficiency thereof, shall register the still-birth by signing the statement and medical certificate and thereupon the statement and medical certificate shall constitute the registration of the still-birth.

Burial
permit.

(5) Upon the registration of a still-birth, the division registrar, without the payment of any fee, shall forthwith prepare and deliver to the person requiring the same for the

purpose of the burial, cremation or other disposition or removal of the body of the still-born child,—

(a) an acknowledgment that the still-birth has been registered; and

(b) a burial permit for the purpose of the burial or other disposition of the body.

(6) Subject to the provisions of this section, sections 5 to 9, ^{Application of ss. 5-9, 11, 16-23.} 11 and 16 to 23 shall apply *mutatis mutandis* to still-births. 1943, c. 28, s. 40, *amended*.

REGISTRATION OF MARRIAGES.

14.—(1) In addition to any registration of a marriage ^{Marriages.} required under *The Marriage Act*, every marriage that is ^{Rev. Stat., c. 207.} solemnized within Ontario shall be registered under this Act. *New.*

(2) Every person authorized by law to solemnize marriages ^{Person solemnizing to complete statement of marriage.} shall complete a statement in the prescribed form as to each marriage solemnized by him, which statement shall be signed by each of the parties to the marriage and by at least two adult witnesses to the marriage, and the person by whom the marriage was solemnized shall certify in such statement as to the solemnization of the marriage.

(3) The person by whom the marriage was solemnized shall ^{Statement to be delivered within two days.} mail or deliver to the division registrar within two days after the day of the marriage, the statement respecting the marriage. R.S.O. 1937, c. 88, s. 29 (1), *amended*.

(4) Upon the receipt, within one year from the day of the solemnization of a marriage, of a statement in the prescribed ^{Registration of marriage.} form respecting the marriage, the division registrar if he is satisfied as to the correctness and sufficiency thereof, shall register the marriage by signing the statement, and thereupon the statement shall constitute the registration of the marriage.

(5) Upon receipt of the statement by the division registrar, ^{Receipt for statement.} he shall mail to the person by whom the marriage was solemnized, an acknowledgment of the receipt in the prescribed form.

(6) A division registrar shall not register any marriage ^{Time limitation.} after one year from the day of the marriage. *New.*

15. If a marriage has not been registered within one year ^{Registration of marriage by Registrar-General.} from the day of the marriage, the registration may be made by the Registrar-General upon such evidence as may be prescribed by the regulations. R.S.O. 1937, c. 88, s. 42, *part, amended*.

REGISTRATION OF DEATHS.

Place of
registration
of deaths.

16.—(1) The death of every person who dies within Ontario shall be registered in the office of the division registrar of the registration division within which the death occurs, or if the place of death is not known then in the office of the division registrar of the registration division within which the body is found. *New.*

Information
respecting
deceased.

(2) A statement in the prescribed form containing personal particulars of the deceased person shall, upon the request of the funeral director in charge of the body, be completed, certified and delivered to the funeral director,—

- (a) by the nearest relative present at the death or last illness, or any relative who may be available;
- (b) if no relative is available, by the occupier of the premises in which the person died, or if the occupier be the person who has died, by any adult person residing in the premises who was present at the death or has knowledge of the personal particulars;
- (c) if the death occurred in unoccupied premises and no relative is available, by any adult person who was present at the death or has knowledge of the personal particulars; or
- (d) by the coroner who has been notified of the death and has made an inquiry or held an inquest regarding the death. R.S.O. 1937, c. 88, s. 33, *amended.*

Medical cer-
tificate.

(3) The legally qualified medical practitioner who was last in attendance during the last illness of a deceased person, the coroner who conducts an inquest on the body of a deceased person or an inquiry into the death of a person or the local medical officer of health who makes an investigation as provided in subsection 2 of section 19 shall, forthwith after the death, inquest, inquiry or investigation, as the case may be, complete and sign a medical certificate of death in the prescribed form for the purpose of registration of death, stating therein the cause of death according to the International List of Causes of Death as last revised by the International Commission called for that purpose, and shall deliver the medical certificate of death to the funeral director in charge of the body. R.S.O. 1937, c. 88, s. 32, *amended.*

Particulars
to be stated
in certi-
cate.

(4) The legally qualified medical practitioner, coroner or local medical officer of health shall in his certificate state that he has viewed the body of the deceased. *New.*

(5) Upon receipt of the statement containing the personal particulars and the medical certificate of death, the funeral director shall complete the statement containing personal particulars, setting forth the proposed date and place of burial, cremation or other disposition or the removal of the body and shall deliver the statement and the medical certificate to the division registrar of the proper registration division. *New.*

Duty of
funeral
director.

17.—(1) Upon the receipt, within one year from the day of the death of a person, of the statement containing the personal particulars and the medical certificate, the division registrar, if he is satisfied as to the correctness and sufficiency thereof, shall register the death by signing the statement and medical certificate, and thereupon the statement and medical certificate shall constitute the registration of the death.

Registra-
tion of
death by
division
registrar.

(2) A division registrar shall not register any death after one year from the day of the death. *New.*

Time
limitation.

(3) Upon the registration of a death, the division registrar, without the payment of any fee, shall forthwith prepare and deliver to the funeral director requiring the same for the purpose of the burial, cremation or other disposition or the removal of the body of the deceased person,—

Duty of
division
registrar.

(a) an acknowledgment that the death has been registered; and

(b) a burial permit for the purpose of the burial or other disposition of the body. R.S.O. 1937, c. 88, s. 37, *amended.*

18.—(1) If a death has occurred and it is impracticable to register the same, by reason of distance, with the division registrar of the proper registration division, registration of the death may be made with the nearest division registrar who, upon payment of the prescribed fee, shall register the same and issue an acknowledgment of registration of death and a burial permit and such division registrar shall forward the registration of the death to the division registrar of the proper registration division. R.S.O. 1937, c. 88, s. 34 (1), *amended.*

Registration
in another
registration
division.

(2) Where a death has been registered in accordance with subsection 1, the division registrar who registers the death shall be entitled to the fee for his own use. R.S.O. 1937, c. 88, s. 34 (2), *amended.*

Fee for
registration
in another
division.

19.—(1) If there is reason to believe that a person has died as a result of violence or misadventure or by unfair means or from any cause other than disease, or as a result of

Death by
violence
or misad-
venture.

negligence, malpractice or misconduct on the part of others or under such circumstances as require investigation, no acknowledgment of registration of death and no burial permit shall be issued by the division registrar unless,—

(a) the body has been examined by a coroner and the coroner has made inquiry into the circumstances of the death or held an inquest as provided by *The Coroners Act, 1948*;

1948, c. 17.

(b) the coroner has signed the medical certificate of death; and

(c) the other provisions of this Act regarding registration of death have been complied with. R.S.O. 1937, c. 88, s. 36, *amended*.

Death with-
out medical
attendance.

(2) Where there is no legally qualified medical practitioner in attendance during the last illness of a deceased person and there is no reason to believe that the death occurred under any of the circumstances set forth in subsection 1, the funeral director shall notify the local medical officer of health and refer the case to him for immediate investigation. R.S.O. 1937, c. 88, s. 32 (2), *amended*.

Reference
to coroner.

(3) If the legally qualified medical practitioner referred to in subsection 3 of section 16, or the local medical officer of health referred to in subsection 2, cannot determine the cause of death, or where the circumstances of the case indicate that the death occurred under any of the circumstances set forth in subsection 1, the case shall be referred by either of them to the coroner for investigation. *New*.

Coroner's
warrant
to bury.

(4) Where a person has died under any of the circumstances referred to in subsection 1 or 3 and it is impossible for the coroner to complete a medical certificate of the cause of death, the coroner may issue his warrant to bury as provided by *The Coroners Act, 1948*, and the division registrar shall issue, on the delivery to him of the warrant to bury the body, a burial permit, and the coroner shall, within two days of his determining the cause of death, or of the completion of his investigation, issue and deliver or mail the medical certificate of death to the division registrar of the registration division in which the death occurred. R.S.O. 1937, c. 88, s. 36, cl. (c), *amended*.

Registra-
tion before
disposition
of body.

20.—(1) Subject to subsection 4 of section 19, no person shall bury, cremate or otherwise dispose of the body of any person who dies within Ontario or remove the body from the registration division within which the death occurred or the body is found, and no person shall take part in or conduct

any funeral or religious service for the purpose of burial, cremation or other disposition of the body of a deceased person, unless the death has been registered under this Act, and an acknowledgment of registration of death and a burial permit has been obtained from the division registrar. R.S.O. 1937, c. 88, s. 31 (1), *amended*.

(2) The funeral director shall retain the acknowledgment of registration of death as evidence of his having complied with this Act. Acknowledgment to be retained by funeral director.

(3) No person shall conduct a funeral or other religious burial service unless the burial permit signed by the proper division registrar is produced to him. *New*. Person not to conduct service unless burial permit produced.

(4) A cemetery owner shall not permit the interment or cremation of the body of any person in the cemetery or crematorium unless the burial permit is delivered to him. R.S.O. 1937, c. 88, s. 40 (1), *amended*. Delivery of burial permit.

(5) The cemetery owner shall retain the burial permit as evidence of his having complied with this Act. *New*. Cemetery owner to retain burial permit.

(6) Where no person is in charge of the cemetery at the time of the burial or other disposition of the body, the funeral director shall write across the face of the burial permit the words "No person in charge", and shall append his signature thereto and return the burial permit to the division registrar of the registration division in which the burial or other disposition took place. R.S.O. 1937, c. 88, s. 41, *amended*. Where no person in charge of cemetery.

21.—(1) If the body of a person is to be removed to the place of burial or other disposition by a transportation company or other common carrier, such removal shall not take place until the burial permit has been affixed to the outside of the casket. *New*. Removal of bodies.

(2) If the death occurred outside of Ontario and the burial or other disposition of the body is to take place in Ontario, a burial, transit or removal permit or such other document as may be prescribed or required under the laws of the jurisdiction in which the death occurred, signed by the proper officer of the place in which the death occurred shall be sufficient authority for the burial or other disposition of the body. R.S.O. 1937, c. 88, s. 31 (2), *amended*. Death out of Ontario.

22. A cemetery owner shall, on or before the 10th day of each month, mail to the Registrar-General a return in the prescribed form of the burials and cremations that took place in the cemetery or crematorium during the last preceding month. R.S.O. 1937, c. 88, s. 40 (2), *amended*. Returns of burials and cremations.

Registration
of death by
Registrar-
General.

23.—(1) If the death of a person has not been registered within one year from the day of the death, application for registration of the death may be made to the Registrar-General in the prescribed form.

Method of
application
for regis-
tration.

(2) The application shall be accompanied by,—

- (a) the prescribed fee;
- (b) the statement provided for in subsection 2 of section 16, completed and certified;
- (c) a statutory declaration in the prescribed form by the applicant or any other person; and
- (d) such other evidence as may be prescribed by the regulations.

Registra-
tion of
death.

(3) If the Registrar-General is satisfied as to the *bona fides* of the application and the correctness and sufficiency of the evidence adduced in support thereof, he may register the death by signing the statement, and thereupon the statement shall constitute the registration of the death. R.S.O. 1937, c. 88, s. 42, *part, amended*.

ADOPTION ORDERS.

Registra-
tion of
Ontario
adoption
order.

24.—(1) Upon receipt of a certified copy of an order of adoption transmitted under section 12 of *The Adoption Act*, the Registrar-General shall register the order.

Notation of
adoption on
birth regis-
tration.

(2) If the birth of the person adopted,—

- (a) was registered in Ontario before the adoption; or
- (b) is registered in Ontario after the adoption in accordance with this Act,

the Registrar-General, upon production of evidence satisfactory to him of the identity of the person, shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order, to be made upon the registration of birth of the person, and shall cause a reference to the registration of the birth to be endorsed on the copy of the order.

Registration
of order of
another
jurisdiction.

(3) Where a person whose birth has been registered in Ontario has been adopted pursuant to an order, judgment or decree of adoption made by a court of competent jurisdiction of another province, state or country, the Registrar-General,

upon receipt of a certified copy of the order, judgment or decree, issued under the seal of the proper certifying authority and upon production of evidence satisfactory to him of the identity of the person, shall register the order, judgment or decree and shall cause a notation of the adoption and of any change of name consequent thereon with a reference to the registration of the order to be made upon the registration of the birth of the person, and shall cause a reference to the registration of the birth to be endorsed on the copy of the order, judgment or decree. 1941, c. 55, s. 42, *amended*.

(4) Where a notation of adoption and of a change of name consequent thereon has been made on a registration of birth, and application is afterwards made for a birth certificate pursuant to this Act, the certificate shall be issued as if the registration had been made in the name as changed. *New*.

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. *New*.

25.—(1) If a child born in another province or in any state has been adopted in Ontario pursuant to *The Adoption Act*, the Registrar-General shall transmit a certified copy of the order to the person having charge of the registration of births in the province or state in which the child was born.

(2) If a child born in a jurisdiction other than a province or state has been adopted in Ontario pursuant to *The Adoption Act*, the Registrar-General, upon request, may transmit a certified copy of the order to the person having charge of the registration of births in the jurisdiction in which the child was born. *New*.

CHANGES OF NAMES.

26.—(1) Upon receipt of a certified copy of an order transmitted under section 17 of *The Change of Name Act*, 1948, the Registrar-General shall register the order.

(2) If the birth or marriage of a person whose name is changed by the order,—

(a) was registered in Ontario before the date of the order;
or

(b) is registered in Ontario after the date of the order in accordance with this Act,

the Registrar-General, upon production of evidence satisfactory to him of the identity of the person shall cause a notation of the change of name with a reference to the registration of the order to be made upon the registration of birth or marriage of the person, and shall cause a reference to the registration of the birth or marriage to be endorsed on the copy of the order.

Certificate after notation of change of name.

(3) Where a change of name has been noted on a birth or marriage registration and application is afterwards made for a birth or marriage certificate pursuant to this Act, the certificate shall be issued as if the registration had been made in the name as changed by the order.

Annulment of order re change of name.

1948, c. 9.

(4) Upon the receipt of a certified copy of an annulling order transmitted under section 21 of *The Change of Name Act, 1948*, the Registrar-General shall cause a notation of the annulling order and a reference to the registration thereof to be made upon every registration on which a notation has been made pursuant to the original order.

Notation to be dated and initialled.

(5) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. *New.*

DIVORCE DECREES.

Statement by registrar respecting divorce decrees.

27.—(1) The Registrar of the Supreme Court and every local registrar of the Supreme Court shall, from time to time, as prescribed by the regulations, furnish to the Registrar-General a statement in the prescribed form respecting each final decree of divorce entered by him in the Supreme Court. R.S.O. 1937, c. 88, s. 30 (1), *amended.*

Notation of decree upon registration of marriage.

(2) If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar-General, the Registrar-General, upon receipt of the statement of the divorce, shall register the statement and shall cause a notation of the decree with a reference to the registration of the statement to be made upon the registration of the marriage, and shall cause a reference to the registration of the marriage to be endorsed on the statement.

Divorce decrees of other jurisdictions.

(3) Where a marriage that has been registered in Ontario has been dissolved or annulled by an order, judgment or decree made by a court of competent jurisdiction in another province, or by an Act of the Parliament of Canada, the Registrar-General, upon receipt of a certified copy of such order, judgment, decree or Act issued under the seal of the proper certifying authority shall register the order, judgment, decree or Act and shall cause a notation thereof with a refer-

ence to its registration to be made upon the registration of the marriage, and shall cause a reference to the registration of the marriage to be endorsed on the copy of the order, judgment, decree or Act.

(4) If, subsequent to the registration of the divorce, application is made for a marriage certificate, the certificate shall contain a copy of the notation made under subsection 2 or 3. *New.* Certificate of marriage dissolved by divorce.

(5) The Registrar and the local registrars of the Supreme Court shall receive a fee of fifty cents for each statement of a divorce furnished to the Registrar-General and the fees shall be payable from time to time by the Treasurer of Ontario out of the Consolidated Revenue Fund. R.S.O. 1937, c. 88, s. 30 (2), *amended.* Fee for statement of divorce.

(6) Every notation made pursuant to this section shall be dated and initialled by the officer designated by the regulations. Notation on registration.

(7) No certificate of divorce shall be issued by the Registrar-General. *New.* Certificates prohibited.

28.—(1) Where a marriage that has been performed in another province has been dissolved or annulled in Ontario, the Registrar-General upon receipt of the statement respecting the decree of divorce in respect of the marriage, transmitted under section 27, shall require the Registrar or local registrar who transmitted the statement to furnish him with a certified copy of the order, judgment or decree issued under the seal of the proper certifying authority. Marriage performed in another province.

(2) Upon receipt of the certified copy, the Registrar-General shall transmit it to the person having charge of the registration of marriages in the province in which the marriage was performed. *New.* Idem.

REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON BOARD SHIP.

29. Upon receipt from the Minister of Transport of information transmitted under the *Canada Shipping Act, 1934*, (Canada), respecting the birth of a child or the death of a person on board a ship whose port of registry is within Ontario, the Deputy Registrar-General may register the birth or death. *New.* Births and deaths on board ship. 1934, c. 44 (Canada).

CHURCH RECORDS.

30.—(1) Any cemetery company or association, or any religious body or historical society or association, or any corporation

corporation or individual in possession of any record of births, marriages, baptisms or deaths which may be of value in establishing the genealogy of any resident in Ontario may, with the approval of the Registrar-General, deposit such record with the Registrar-General without charge. R.S.O. 1937, c. 88, s. 11 (1), *amended*.

Records to
be preserved.

(2) Upon being deposited, the records shall be preserved and remain in the custody of the Registrar-General as part of the records of his office. *New*.

CORRECTION OF ERRORS IN REGISTRATIONS.

Corrections
by division
registrar.

31.—(1) If, while the registration of any birth, marriage, death or still-birth is in the possession of a division registrar, it is reported to him that an error has been made in the registration he shall inquire into the facts and if he is satisfied that an error has been made in the registration he may correct the error according to the facts by a notation on the registration without any alteration being made in the registration. R.S.O. 1937, c. 88, s. 17 (1), *part, amended*.

Correction
by personal
appearance.

(2) If the person originally supplying the information contained in a registration to be corrected appears in person, the division registrar may permit correction in the original entry. *New*.

Correction
by Registrar-
General.

(3) If, after a registration has been received or made by the Registrar-General, it is reported to him that an error has been made, the Registrar-General shall inquire into the facts, and upon the production of evidence satisfactory to him supplemented by statutory declaration in the prescribed form, he may correct the error by a notation on the registration without any alteration being made in the registration. R.S.O. 1937, c. 88, s. 17 (2), *part, amended*.

Certificate
of registra-
tion which
has been
corrected.

(4) If, subsequent to the correction of an error, application is made for a certificate pursuant to this Act, the certificate shall be prepared as if the registration had been made containing correct particulars at the time of registration, but if a certified copy of the registration is required, the certified copy shall contain a copy of the notation made pursuant to subsection 1 or 3. *New*.

Notation on
registration.

(5) Every notation made pursuant to this section shall be dated and initialled by the person making the correction or the officer designated by the regulations. R.S.O. 1937, c. 88, s. 17 (1, 2), *part, amended*.

REGISTRATION DIVISIONS.

32.—(1) The whole of Ontario shall be divided into registration divisions. R.S.O. 1937, c. 88, s. 12 (1), *amended*.
Registration divisions.

(2) Every municipality shall be a registration division. R.S.O. 1937, c. 88, s. 12 (2).
Municipal units.

(3) The Lieutenant-Governor in Council may divide that part of Ontario not within a municipality into registration divisions, and may from time to time extend, reduce, subdivide or annul any such registration division or merge it in whole or in part with one or more registration divisions and may attach any territory or portion thereof not being part of a municipality to a registration division constituted under subsection 2. R.S.O. 1937, c. 88, s. 12 (3), *amended*.
Unorganized territory.

APPOINTMENT AND DUTIES OF DIVISION REGISTRARS.

33.—(1) The clerk of every municipality shall be *ex officio* division registrar of the registration division formed by the municipality and any territory thereto attached unless the Lieutenant-Governor in Council appoints some other person as a division registrar in his stead. R.S.O. 1937, c. 88, s. 14 (1), *amended*.
Municipal clerks to be division registrars.

(2) The Lieutenant-Governor in Council may appoint the division registrar for a registration division which is formed of territory not within a municipality or attached to a municipality. R.S.O. 1937, c. 88, s. 13, *amended*.
Appointment of division registrar in unorganized territory.

(3) The division registrar shall have power to take the affidavit or statutory declaration of any person for the purposes of this Act. *New*.
Power to take affidavits.

(4) In a city having a population of 50,000 or over, the division registrar may, with the approval of the Registrar-General, appoint such sub-registrars as may be necessary for the more convenient carrying out of the provisions of this Act with respect to the registration of deaths and for the issuing of burial permits. R.S.O. 1937, c. 88, s. 34 (3).
Sub-registrars in cities.

(5) Where the Registrar-General deems it necessary in order to facilitate the registration of deaths for the purpose of burial in any section of Ontario, he may appoint a sub-registrar for the special purpose of issuing a burial permit upon payment by the applicant of a fee of twenty-five cents. R.S.O. 1937, c. 88, s. 38 (1), *amended*.
Sub-registrars elsewhere.

Sub-registrar to transmit registration.

(6) A sub-registrar shall forthwith transmit the registration to the division registrar for the registration division in which the death occurred or in which the body was found for registration by him. R.S.O. 1937, c. 88, s. 38 (2), *amended*.

Duties of division registrars.

34. The division registrar shall,—

- (a) receive and sign statements and registrations and issue burial permits; *New*.
- (b) supply, free of charge, any prescribed form required by any person in order to comply with this Act; R.S.O. 1937, c. 88, s. 18 (1), *amended*.
- (c) keep all registrations, records, notices and documents received by him in a place of safety;
- (d) use all available means to obtain the necessary information for the purpose of completing the registrations required to be made by him; R.S.O. 1937, c. 88, s. 14 (5), *amended*.
- (e) inform the proper person of the duty to furnish him with particulars for the registration of a birth, marriage, death or still-birth if he has reason to believe that any has taken place within his division and has not been registered, and, on the failure of such person to make the registration within seven days, supply to the Registrar-General such information as he has in his possession regarding the failure of any person to furnish the required particulars; R.S.O. 1937, c. 88, s. 15, *amended*.
- (f) examine every statement of birth, marriage, death or still-birth in order to ascertain whether or not it has been completed in the prescribed form;
- (g) ensure that every registration of birth, marriage, death or still-birth has been written legibly in durable ink;
- (h) refuse to accept any statement which does not contain all the items of information required therein unless he has received a satisfactory explanation for the omission; R.S.O. 1937, c. 88, s. 18 (2), *amended*.
- (i) call attention to any defects in a statement of personal particulars or medical certificate of death which is incomplete or unsatisfactory, and withhold the issuance of the acknowledgment of registration of

death and the burial permit until such defects have been corrected; R.S.O. 1937, c. 88, s. 18 (3), *amended*.

- (j) sign every registration as division registrar in attestation of the date of registration in his office; *New*.
- (k) number consecutively the registrations of births, marriages, deaths and still-births in four separate series beginning with "No. 1" for the first registration of a birth, marriage, death or still-birth in each calendar year; R.S.O. 1937, c. 88, s. 18 (4), *amended*.
- (l) transmit to the Registrar-General as required by the regulations the registration of every birth, marriage, death and still-birth made by him;
- (m) report the fact to the Registrar-General, in the prescribed form, if no birth, marriage, death or still-birth has been registered; R.S.O. 1937, c. 88, s. 14 (3), *amended*.
- (n) keep such records as may be prescribed by the regulations; and
- (o) transmit to the proper division registrar within forty-eight hours every registration of birth, marriage, death or still-birth received by him which did not occur within his registration division. *New*.

35. Every division registrar shall, under the direction of the Registrar-General, enforce this Act in his registration division and shall make an immediate report to the Registrar-General of any violation of this Act of which he has knowledge. *R.S.O. 1937, c. 88, s. 19, amended.*

Report to Registrar-General of any violation of Act.

REMUNERATION OF DIVISION REGISTRAR.

36.—(1) Every municipality shall pay annually, on the 1st day of February, to the division registrar, a remuneration of twenty-five cents for each registration of a birth, marriage, death or still-birth transmitted to the Registrar-General during the preceding calendar year, on presentation of the certificate of the Registrar-General to the treasurer of the municipality, but a municipality may by by-law with the approval of the Registrar-General limit the aggregate remuneration of the division registrar or provide for the payment of a stated annual remuneration.

Remuneration of division registrar.

(2) Remuneration at double the rates set forth in subsection 1 shall be paid to every Indian-agent and to every division registrar appointed by the Lieutenant-Governor in Council for any registration division not included in or

Remuneration in unorganized territory.

attached to a municipality, by the Treasurer of Ontario out of the Consolidated Revenue Fund. R.S.O. 1937, c. 88, s. 54, *amended*.

Monthly remuneration permissible.

(3) Nothing in this section shall prevent the remuneration of a division registrar being paid to him monthly, but in such case the remuneration shall be paid within ten days of the presentation of the certificate of the Registrar-General. *New*.

FORMS.

Registrar-General to distribute forms.

37.—(1) The Registrar-General shall distribute the prescribed forms to the division registrars.

Cost of forms.

(2) The cost of the prescribed forms and the distribution thereof shall be paid out of the Consolidated Revenue Fund.

No other forms to be used.

(3) No forms shall be used for the purposes of this Act other than the prescribed forms supplied by the Registrar-General. R.S.O. 1937, c. 88, s. 7, *amended*.

CERTIFICATES AND SEARCHES.

Contents of birth certificate;

38.—(1) A birth certificate shall contain only the following particulars of the registration:

- (a) name of the child;
- (b) date of birth;
- (c) place of birth;
- (d) sex;
- (e) date of registration; and
- (f) registration number.

death certificate;

(2) A death certificate shall contain only the following particulars of the registration:

- (a) name, age and marital status of the deceased;
- (b) date of death;
- (c) place of death;
- (d) sex;
- (e) date of registration; and
- (f) registration number.

(3) A marriage certificate shall contain only the following ^{marriage certificate.} particulars of the registration:

- (a) names of the parties;
- (b) date of the marriage;
- (c) place of the marriage;
- (d) place of birth of each of the parties;
- (e) date of registration; and
- (f) registration number.

(4) No still-birth certificate shall be issued.

^{Still-birth certificate.}

(5) A certificate, order or other document issued by the Registrar-General pursuant to this Act, may bear the seal of office of the Registrar-General. *New.*

^{Certificates under seal.}

39.—(1) Upon application and upon payment of the prescribed fee, any person who furnishes substantially accurate particulars and satisfies the Registrar-General as to his reason for requiring it, may obtain from the Registrar-General a birth certificate in respect of any birth of which there is a registration in his office.

^{Who may obtain birth certificate;}

(2) Upon application and upon payment of the prescribed fee, any person may obtain from the Registrar-General a death certificate in respect of any death of which there is a registration in his office.

^{death certificate;}

(3) Upon application and upon payment of the prescribed fee,—

^{marriage certificate.}

- (a) one of the parties to the marriage;
- (b) a parent of one of the parties;
- (c) a child of the marriage; or
- (d) any person with the approval of the Registrar-General,

may obtain from the Registrar-General a marriage certificate in respect of any marriage of which there is a registration in his office. R.S.O. 1937, c. 88, s. 6 (2), *amended.*

40.—(1) No certified copy of a registration of birth, death or still-birth shall be issued except to a person author-

^{Who may obtain copy of registration of birth, death or still-birth.}

ized by the Registrar-General or the order of a court and upon payment of the prescribed fee.

Who may obtain copy of registration of marriage.

(2) No certified copy of a registration of marriage shall be issued except to one of the parties to the marriage or to a person authorized by the Registrar-General or the order of a court and upon payment of the prescribed fee. *New.*

Certificate as *prima facie* evidence.

41.—(1) A certificate purporting to be issued pursuant to section 39 and signed by the Registrar-General shall be admissible in any court in Ontario as *prima facie* evidence of the facts certified to be recorded, and it shall not be necessary to prove the signature or official position of the person by whom the certificate purports to be signed. R.S.O. 1937, c. 88, s. 6 (3), *amended.*

Signature of Registrar-General.

(2) A lithographed, printed or stamped facsimile signature of the Registrar-General shall be sufficient authentication of a certificate.

Copy of registration as *prima facie* evidence.

(3) A certified copy of a registration, signed by the Registrar-General or Deputy Registrar-General, purporting to be issued pursuant to section 40, shall be admissible in any court in Ontario as *prima facie* evidence of the facts recorded therein.

Proviso.

(4) Notwithstanding subsections 1 and 3, no birth certificate and no certified copy of a registration of birth or still-birth shall be admissible in evidence to affect a presumption of legitimacy. *New.*

No certificates by division registrar.

42. A division registrar shall not issue a certificate in respect of any birth, death, marriage or still-birth. *New.*

Searches.

43.—(1) Any person who,—

(a) applies;

(b) pays the prescribed fee; and

(c) satisfies the Registrar-General as to his reason for requiring it,

may have search made for the registration of any birth, death, marriage, still-birth, divorce, adoption or change of name in the indexes kept in the office of the Registrar-General. R.S.O. 1937, c. 88, s. 6 (1), *amended.*

Search of church records.

(2) Any person who,—

(a) applies;

(b) pays the prescribed fee; and

- (c) satisfies the Registrar-General as to his reason for requiring it,

may have search made for any birth, marriage, baptism or death in any record kept in the office of the Registrar-General pursuant to section 30.

(3) The only information given upon a search under sub-section 1 or 2 shall be as to the existence or otherwise of the ^{Information given on search.} registration, and the registration number if registered. *New.*

GENERAL PROVISIONS.

44. Subject to section 29, no registration shall be made of a ^{Ontario registrations only.} birth, still-birth, marriage or death occurring outside of Ontario. *New.*

45. The provisions of this Act shall apply in respect of ^{Application of Act.} any birth, marriage, death, still-birth, divorce, adoption or change of name that has occurred prior to the passing of this Act, as well as to any birth, marriage, death, still-birth, divorce, adoption or change of name which may occur subsequent to the passing of this Act. *New.*

46. No person shall issue any document which purports ^{Certificates not to be issued.} to be a certificate of a birth, marriage, death or still-birth other than a certificate provided for under the provisions of this Act. *New.*

47.—(1) If, after such notice to and the hearing of such ^{Registration unlawfully obtained.} interested parties as he considers proper, the Registrar-General is satisfied that a registration was fraudulently or improperly obtained, he may order that a notation be made on the registration to that effect and thereafter no certificate shall be issued in respect of the registration.

(2) Upon the making of an order under subsection 1, the Registrar-General may require the delivery to him of every ^{Order for delivery of certificate.} certificate previously issued in respect of the registration.

(3) If the Registrar-General has reason to believe that a ^{Certificate used improperly.} certificate in respect of a registration is being had or used for fraudulent or improper purposes, he may, after such notice to and hearing of such interested parties as he considers proper, make an order requiring the delivery of the certificate to him.

(4) Any person who has in his possession or under his ^{Delivery of certificates.} control a certificate in respect of which an order has been made under subsection 2 or 3, shall forthwith deliver the certificate to the Registrar-General. *New.*

Secrecy.

48. No division registrar or sub-registrar and no person employed in the service of His Majesty shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act. *New.*

PENALTIES.

Failure to
give notice
or furnish
particulars.

49.—(1) Every person who neglects or fails to give any notice, or to register or to furnish any statement, certificate or particulars respecting the birth, marriage, death, still-birth, divorce, adoption or change of name of any person as required by this Act, shall be guilty of an offence and liable to a penalty not exceeding \$100. R.S.O. 1937, c. 88, s. 45 (1), *amended.*

Neglect of
division
registrar
to make
returns.

(2) If a division registrar fails to transmit to the Registrar-General any registration, or to make any return as required by this Act he shall be guilty of an offence and liable to a penalty not exceeding \$100 and each succeeding week's continuance of failure to make the transmission or return shall constitute a new and distinct offence; and the Registrar-General may refuse to issue a certificate for the payment of any fee due to the division registrar until the transmission or return is made. R.S.O. 1937, c. 88, s. 43, *amended.*

False in-
formation.

50.—(1) Every person who wilfully makes or causes to be made a false statement in any notice, registration, statement, certificate, return or other document respecting any particulars required to be furnished under this Act shall be guilty of an offence and liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or to both fine and imprisonment; and every legally qualified medical practitioner who wilfully makes a false statement as to the cause of the death of any person, or represents himself as having been in attendance during the last illness of any person when in fact he was not called in attendance until after the death, shall, in addition to any penalty imposed by this Act, be subject to discipline by the Council of the College of Physicians and Surgeons of Ontario. R.S.O. 1937, c. 88, s. 44, *amended.*

False infor-
mation.

(2) Every person who wilfully makes, or causes to be made a registration of a birth, marriage, death or still-birth as having occurred in Ontario in respect of any person whose birth, marriage, death or still-birth did not occur in Ontario, shall be guilty of an offence and liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding six months or to both fine and imprisonment. *New.*

51. Any person violating any of the provisions of section 48 shall be guilty of an offence and liable to a penalty not exceeding \$200. *New.* Breach of secrecy provision.

52. Every person guilty of any act or omission in violation of this Act for which no penalty is otherwise provided shall be guilty of an offence and liable to a penalty not exceeding \$100. R.S.O. 1937, c. 88, s. 46, *amended.* General penalty.

53. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 88, s. 48. Penalties,—how recoverable. Rev. Stat., c. 136.

REGULATIONS.

54. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) prescribing the forms to be used in carrying out the provisions of this Act;
- (b) prescribing the duties of the Deputy Registrar-General and providing for the delegation to him of such of the powers and duties of the Registrar-General as may be deemed necessary;
- (c) prescribing the duties of inspectors;
- (d) prescribing the system of filing of registrations;
- (e) prescribing the particulars of registrations to be entered in the indexes;
- (f) prescribing the duties of and records to be kept by the division registrars;
- (g) prescribing the information and returns to be furnished to the Registrar-General, and fixing the times when information and returns are to be transmitted;
- (h) fixing the times when division registrars shall forward registrations to the Registrar-General;
- (i) prescribing the duties of, and returns to be made by sub-registrars;
- (j) designating the persons who may have access to, or may be given information from the records in the Registrar-General's office, and prescribing an oath of secrecy to be taken by such persons;
- (k) for the registration of births, marriages, deaths, still-births, divorces, adoptions or changes of name in cases not otherwise provided for in the Act;

- (l) prescribing the fees to be paid for searches, certificates and anything done or permitted to be done under the Act and providing for the waiver of payment of any such fees in favour of any person or class of persons;
- (m) designating the officers who may sign registrations and notations;
- (n) prescribing the evidence on which the Registrar-General may register a birth, still-birth, marriage or death after one year from the date thereof;
- (o) prescribing the evidence on which the Registrar-General may make a registration of birth in the case of a child legitimated by the subsequent inter-marriage of his parents;
- (p) requiring the persons in charge of hospitals to make returns of the births of all children born in the hospitals;
- (q) prescribing special forms for registrations in respect of Indians;
- (r) providing that registrations in respect of Indians shall be kept separate from other registrations;
- (s) authorizing every Indian-agent in Ontario to act *ex officio* as division registrar for the Indians under his jurisdiction; and
- (t) for the purpose of effectively securing the due observance of the Act, and generally for the better carrying out of the provisions thereof and obtaining the information required thereby. R.S.O. 1937, c. 88, s. 53, *amended*.

SPECIAL PROVISIONS.

Transfer of
change of
name
material
from Regis-
trar of
Supreme
Court.

1939, c. 6.

55.—(1) The Registrar of the Supreme Court shall transmit to the Registrar-General, upon the coming into force of this Act,—

- (a) all certified copies of orders and duplicate originals of applications and verifying affidavits received by him pursuant to *The Change of Name Act, 1939*;
- (b) all index books kept by him pursuant to the said Act; and

- (c) all annulling orders received by him pursuant to the said Act.

(2) The Registrar-General, upon application in the prescribed form and upon production of evidence satisfactory to him,—

Notation of change of name occurring before the commencement of this Act.

- (a) that the name of a person whose birth or marriage has been registered in Ontario was changed prior to the coming into force of this Act by an order under *The Change of Name Act, 1939*;

1939, c. 6.

- (b) that the order has not been annulled; and

- (c) of the identity of the person,

shall cause a notation and references to be made as provided in subsection 2 of section 26, and subsections 3 to 5 of section 26 shall thereupon be applicable. *New.*

REPEAL.

56. *The Vital Statistics Act*, section 33 of *The Statute Law Amendment Act, 1939*, section 42 of *The Statute Law Amendment Act, 1941*, section 40 of *The Statute Law Amendment Act, 1942*, and section 40 of *The Statute Law Amendment Act, 1943*, are repealed.

Rev. Stat., c. 88; 1939, c. 47, s. 33; 1941, c. 55, s. 42; 1942, c. 34, s. 40; 1943, c. 28, s. 40, repealed.

COMMENCEMENT OF ACT.

57. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

SHORT TITLE.

58. This Act may be cited as *The Vital Statistics Act, 1948*.

Short title.

CHAPTER 98.

An Act to provide for Welfare Units.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

(a) “administrator” means a public welfare administrator appointed under this Act; “adminis-
trator”;

(b) “Minister” means Minister of Public Welfare; “Minister”;

(c) “regulations” means regulations made under this Act; and “regula-
tions”;

(d) “unit” means a welfare unit established under this Act. “unit”.

2. The council of any municipality may by by-law establish a unit which shall have the same territorial limits as the municipality, provided that no such by-law shall come into force or have any effect until it has been approved by the Lieutenant-Governor in Council. Establish-
ment of
municipal
units.

3.—(1) A unit may be established for the unorganized territory in any territorial district. Establish-
ment of
district
units.

(2) The council of any municipality in a territorial district may by by-law, approved by the Lieutenant-Governor in Council, become part of the district unit upon such terms and conditions, notwithstanding any Act, as may be provided in the by-law. Enlarge-
ment of
district
units.

4. Where a municipal unit is established, the Lieutenant-Governor in Council, with the consent of the council of the municipality, may appoint an administrator to administer such public welfare matters as are designated in the regulations, and such staff as the administrator may require for the due carrying out of his duties. Administra-
tor and
staff.

Cost,—

5.—(1) Where a municipal unit is established there shall be paid to the municipality establishing it an amount equal to fifty per centum of the cost of the administration of welfare matters under this Act.

how payable.

(2) The amounts payable under this section shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Disestablishment of welfare areas.

6.—(1) Where a municipal unit has been established, the municipality may by by-law, or the Lieutenant-Governor in Council may by order, disestablish the unit, provided that notice of intention to pass such by-law or make such order has been given to the clerk of the municipality or to the Clerk of the Executive Council, as the case may be, at least three months before the by-law or order is to come into effect.

Effective date.

(2) Any such by-law or order shall be effective on the 31st day of March next after its passing or making, as the case may be.

Regulations.

7. The Lieutenant-Governor in Council may make regulations,—

- (a) regulating and governing the establishment of units;
- (b) designating the welfare matters that shall be administered by administrators;
- (c) governing the qualifications of administrators and the members of their staffs;
- (d) prescribing the powers and duties of administrators;
- (e) prescribing the manner of computing the cost of administration of welfare matters under this Act;
- (f) prescribing the times and manner of payment of amounts under section 5;
- (g) prescribing the records to be kept under this Act and prescribing the returns to be made to the Minister and the form thereof; and
- (h) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act.

Short title.

8. This Act may be cited as *The Welfare Units Act, 1948*.

CHAPTER 99.

An Act to amend The Workmen's Compensation Act.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 1 of *The Workmen's Compensation Act* is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 1, subs. 1, cl. b, re-enacted.

(*b*) "Accident fund" shall mean the fund provided for the payment of compensation, outlays and expenses under the Act in respect of Schedule 1, the salaries of the Commissioners and all expenses arising out of the establishment, maintenance and operation of mine rescue stations as provided by *The Mining Act*. "Accident fund".
Rev. Stat., c. 47.

2. Subsection 4 of section 19 of *The Workmen's Compensation Act* is amended by striking out the words "Where the compensation is payable out of the accident fund" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat., c. 204, s. 19, subs. 4, amended.

(4) The notice shall also be given to the Board by delivering it to or at the office of the secretary or by sending it to him by registered post addressed to his office. Notice to Board.

3.—(1) Subsection 1 of section 35 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, and subsection 1*a* of the said section 35, as enacted by subsection 1 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, are repealed and the following substituted therefor: Rev. Stat., c. 204, s. 35, subss. 1, 1*a* (1947, c. 119, s. 2, subs. 1), re-enacted.

(1) Where death has resulted from an injury irrespective of the date of the accident, the amount of the compensation shall be,— Compensation in case of death.

(*a*) the necessary expenses of the burial of the workman not exceeding \$125;

(*b*)

- (b) where owing to the circumstances of the case the body of the workman is transferred for a considerable distance for burial, a further sum not exceeding \$125 for necessary extra expenses of the burial thus entailed;
- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$50;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$50, with an additional monthly payment of \$12 to be increased upon the death of the widow or invalid husband to \$20 for each child under the age of sixteen years;
- (e) where the dependants are children, a monthly payment of \$20 to each child under the age of sixteen years;
- (f) where the dependants are persons other than those mentioned in clauses *c* to *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board.

Further
education.

- (1a) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.

Compensa-
tion not
to exceed
percentage
of wages
in certain
cases.

- (1b) Exclusive of the expenses of burial of the workman and the lump sum of \$100 the compensation payable as provided by subsection 1 shall not in any case exceed sixty-six and two-thirds per centum of the average earnings of the workman mentioned in section 38, and if the compensation payable under that subsection would in any case exceed that percentage it shall be reduced accordingly, but this subsection shall not operate to reduce the compensation for the dependants mentioned in clauses *c*, *d* and *e* of subsection 1, provided the total monthly compensation does not exceed \$100.

Rev. Stat.,
c. 204, s. 35,
subs. 9
(1943,
c. 37, s. 6,
subs. 5),
repealed.

- (2) Subsection 9 of the said section 35, as re-enacted by subsection 5 of section 6 of *The Workmen's Compensation Act, 1943* and amended by subsection 2 of section 2 of *The Workmen's Compensation Amendment Act, 1947*, is repealed.

(3) The increases in the amount of compensation payable under *The Workmen's Compensation Act* in cases of injury resulting in death shall apply to all pension payments accruing after the coming into effect of this section, whether the accident happened before or happens after that date, and whether the award of compensation was made before or is made after that date, but nothing in this section shall entitle any person to claim additional compensation for any period prior to the coming into effect of this section.

4. Section 37 of *The Workmen's Compensation Act*, as amended by section 7 of *The Workmen's Compensation Act*, 1943, is further amended by striking out the words, letter and figure "clause *f* of subsection 1" in the amendment of 1943, and inserting in lieu thereof the word, figure and letter "subsection 1*a*", so that the said section shall now read as follows:

37. Subject to the provisions of subsection 1*a* of section 35 and subsection 6 of section 35 a monthly payment in respect of a child shall cease when the child attains the age of sixteen years or dies.

5. This Act shall come into force on the day upon which it receives the Royal Assent and section 3 shall have effect as from the 1st day of July, 1948.

6. This Act may be cited as *The Workmen's Compensation Amendment Act*, 1948.

PART II
PRIVATE ACTS
Chapters 100 to 130

CHAPTER 100.

An Act respecting The Trustees of the Hamilton Orphan Asylum.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS The Trustees of the Hamilton Orphan Asylum ^{Preamble.} by its petition has represented that it was incorporated by an Act entitled *An Act to incorporate the Trustees of The Hamilton Orphan Asylum*, being chapter 67 of the Statutes of the Province of Canada, 1852, for the purpose amongst others, of providing for the destitute orphans of the City of Hamilton; and whereas for many years the said Trustees have ceased to provide for such destitute orphans and have been providing for aged women of the said City, and have prayed for special legislation to confirm and continue the corporate existence of The Trustees of the Hamilton Orphan Asylum and to declare, extend and amend its corporate powers and to change its name to "The Aged Women's Home of Hamilton"; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The present Trustees of the Hamilton Orphan Asylum and such other persons as may from time to time be appointed to succeed them, are hereby confirmed and continued as a body politic and corporate under the name of "The Aged Women's Home of Hamilton", hereinafter called the Corporation, and by that name shall have perpetual succession and a common seal and may under that name have all the powers and privileges vested in The Trustees of the Hamilton Orphan Asylum by the said *An Act to incorporate the Trustees of The Hamilton Orphan Asylum*, and also all other powers, privileges and immunities vested by law in corporations necessary and proper for the carrying out of the objects of the Corporation. ^{Corporation continued under new name.}

2. The objects of the Corporation shall be those set out in the said Act, and to care for aged women who are in need of care, and to do all such other things as are incidental or conducive to the attainment of such objects. ^{Objects of Corporation}

Effect of
change of
name.

3. All property, real or personal, and the undertakings, assets, rights, privileges, credits and effects now held by The Trustees of the Hamilton Orphan Asylum, including all gifts and legacies to and the endowments of the Hamilton Orphan Asylum, whether heretofore or hereafter given or made, shall continue vested in the Corporation and shall enure to the benefit of the Corporation, and wherever in any deed, gift, will or other instrument the Hamilton Orphan Asylum is referred to, or intended to be referred to, such reference shall be deemed to be a reference to the Corporation.

Borrowing
power.

4.—(1) The Trustees may from time to time borrow in the name of the Corporation, such sums as in the opinion of the Trustees may be required for the purposes of the Corporation, and in the name of the Corporation may charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the Corporation to secure any money so borrowed or any other debt or liability of the Corporation, and may in the name of the Corporation issue debentures for any money so borrowed in such sums, at such rate of interest, and subject to subsection 2, for such period as the Trustees may deem expedient.

Term of
debentures.

(2) No such debentures shall be issued for a longer period than forty years.

Security for
debentures.

(3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any or all of the real and personal property and assets of the Corporation.

Investments.

5. The Trustees may invest all money that may at any time come into their hands for the purpose of establishing and maintaining a home for the care of aged women or in the purchase of any securities in which any Canadian life insurance company is permitted to invest.

Discretion-
ary powers
of Trustees.

6. The Trustees shall, as regards the trusts, powers, authorities and directions vested in them, have absolute and uncontrolled discretion as to the exercise thereof, whether in relation to the manner, the mode of, or the time for the exercise thereof, and in the absence of fraud, the said Trustees shall be in no wise responsible for any loss, costs, damages or inconvenience that may result from the exercise or non-exercise thereof.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Aged Women's Home of Hamilton Act, 1948.*

CHAPTER 101.

An Act respecting Alma College.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of Alma College by its petition has represented that it was constituted under an Act entitled *An Act to Incorporate Alma College, at St. Thomas*, being Chapter 64 of the Statutes of Ontario, 1877; and that it is desirable that the power of the Corporation with respect to real and personal property be amplified and clarified in the light of modern conditions; and that it is desirable to confirm the title of the Corporation to all lands now held by it; and whereas the said Corporation has prayed for special legislation with respect to the said matters; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of the Act entitled *An Act to Incorporate Alma College, at St. Thomas*, being Chapter 64 of the Statutes of Ontario, 1877, as amended by section 2 of the Act entitled *An Act to amend the Act incorporating Alma College*, being Chapter 81 of the Statutes of Ontario, 1880, is amended by striking out all the words after the word "School" in the tenth line and by adding thereto the following subsections:

1877,
c. 64, s. 3,
amended.

- (2) The Corporation shall have power to receive, acquire, hold, possess and enjoy either by purchase, gift, devise or bequest, any property, real or personal, or any estate or interest therein, and to sell, transfer, alienate, exchange, lease, mortgage, hypothecate, pledge or otherwise dispose of such property, estate or interest, and to apply any moneys or proceeds so obtained directly or indirectly at the discretion of the Board of Management of the said College or School to or for the benefit of the said College or School.
- (3) Any land at any time acquired by the Corporation and not required for its actual use and occupation or

Power to
deal with
property.Limitation
re holding
land.

by way of security for the payment of any loan, debt or guarantee, shall be disposed of by it within ten years after it ceases to be so required, failing which it shall be subject to forfeiture to the Crown under *The Mortmain and Charitable Uses Act*.

Rev. Stat.,
c. 147.

Trust
property.

- (4) Subject to subsection 3, the Corporation shall have power to receive and to hold and invest for the benefit of the said College or School any gifts or donations, special or general, and any legacies, devises or bequests of property, real or personal, or any estate or interest therein, or any proceeds thereof on any trusts that may accrue directly or indirectly to or for the benefit of the said College or School, and failing the designation of any trust, for such purpose or purposes as the Board of Management of the said College or School may determine.

Declaration
as to rights
in and title
to land.

2. Any right of reversion to a former owner existing by virtue of section 3 of the said Act entitled *An Act to Incorporate Alma College, at St. Thomas*, is hereby declared to be null and void, and the title of the Corporation to any land or interest in land held by the Corporation on the day upon which this Act comes into force is hereby confirmed according to the nature of the estate or interest conveyed to the Corporation.

Short title.

3. This Act may be cited as *The Alma College Act, 1948*.

CHAPTER 102.

An Act respecting the City of Belleville and
The Belleville General Hospital.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of Belleville, Preamble.
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the several matters
hereinafter set forth; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The purchase by the Corporation of all the assets, Purchase
of hospital
confirmed.
real and personal, of The Belleville General Hospital, hereinafter called the Hospital, from The Women's Christian Association of Belleville, hereinafter called the Association, by which prior to the said purchase the Hospital was owned and operated, is hereby ratified and confirmed.

(2) The title to the real property, purchased as aforesaid, Title to
property
vested in
City.
which is described in a registered instrument dated the 12th day of March, 1948, and registered in the Registry Office for the County of Hastings, on the 12th day of March, 1948, as Numbers R 1353 and S 1430 for Belleville and Thurlow respectively, in which the grantor is the Association and the grantee is the Corporation, is vested in fee simple in the Corporation.

2. In addition to the aforesaid real property, the Corporation may acquire, by gift, purchase or expropriation, all such land as it may deem necessary as a site for hospital buildings, Acquisition
of site and
erection
of hospital.
and may alter, enlarge, erect, equip, furnish and maintain a hospital thereon, to be known as "The Belleville General Hospital".

3. The council of the Corporation is hereby authorized to provide funds for the purposes aforesaid and for such other purposes as may become necessary in the operation of the Hospital, by the issue, without the assent of the electors, Provision
of funds for
hospital
purposes.
but subject to the approval of the Ontario Municipal Board, of debentures of the City of Belleville, or by imposing rates on all the taxable property in the City of Belleville.

Board of
Governors.

4.—(1) The management and control of the Hospital, including the power of making all appointments to the staff thereof, shall be vested in and exercised by a board of fifteen governors, of whom one shall be appointed by the Lieutenant-Governor in Council who shall hold office during his pleasure; one shall be appointed in accordance with the regulations under *The Public Hospitals Act*; two shall be appointed annually by the Association; one shall be appointed annually by the council of the County of Hastings; and eight shall be appointed by the council of the City of Belleville from rate-payers of the City: and the Warden of the County of Hastings and the Mayor of the City of Belleville shall *ex officio* be Governors.

Rev. Stat.,
c. 390.

Term
of office.

(2) The Governors shall remain in office until their successors are appointed.

Idem.

(3) The term of office of the eight Governors designated and appointed by the council of the Corporation from ratepayers of the said City shall, in the first instance, be regulated as follows: two of such Governors shall hold office until the end of the first year after the year of their appointment; three of such Governors shall hold office until the end of the second year after the year of their appointment; and the remaining three shall hold office until the end of the third year after the year of their appointment; and the council of the Corporation shall thereafter, so often as the office of Governor becomes vacant, appoint a successor thereto, who shall hold office for a term of three years and until his successor is appointed.

Time of
appoint-
ments.

(4) The Governors, other than those appointed to the first Board of Governors, shall be appointed in the month of January in each year in which an appointment is to be made.

Re-appoint-
ment.

(5) A Governor whose term of office has expired shall be eligible for re-appointment.

Vacancies.

(6) Whenever, from any cause, the office of an appointed Governor becomes vacant prior to the expiration of his term of office, his successor shall be appointed without unnecessary delay so as to keep the membership of the Board up to fifteen, and the person so appointed shall hold office for the remainder of the term of the Governor whose place he is appointed to fill.

Quorum.

(7) Seven members shall constitute a quorum of the Board.

Absence of
members.

(8) Any member of the Board of Governors appointed by the Association, or by the council of the Corporation, or the council of the County of Hastings, who is absent from four successive regular meetings of the Board shall cease to be a member of the Board unless he has obtained leave of absence from the body by which he was appointed.

5. The Board of Governors shall be a body corporate and politic under the name of "The Belleville General Hospital", and by that name shall have perpetual succession and a corporate seal and may under that name sue and be sued, and shall have all the powers and privileges conferred upon it by this Act and also all the other powers, privileges and immunities vested by law in corporations necessary or proper for the carrying out of its objects. ^{Board a corporation.}

6.—(1) The Board of Governors shall have charge of and supervision over the work of altering, enlarging, erecting, furnishing and equipping the Hospital and over the performance of all contracts let by the council of the City of Belleville in connection therewith. ^{Powers of Board of Governors.}

(2) The Board of Governors shall have control over and the custody of all property, both real and personal, belonging to or used in connection with the Hospital and shall have power to sell or otherwise dispose of personal property to an amount not exceeding \$2,500 in any calendar year, when no longer required for the purposes of the hospital. ^{Idem.}

(3) The Board of Governors may from time to time purchase supplies and may engage and pay officers, servants and workmen for the purposes of the Hospital, and may make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditure shall be made or entered into unless money has been appropriated by the council of the City of Belleville and is available for such purposes. ^{Contracts.}

7. All real and personal property now held or hereafter acquired by the Board of Governors shall be vested in the Corporation. ^{Property of Board.}

8. The Corporation and the Board of Governors respectively shall be capable of receiving, taking and holding from any person by grant, gift, devise or otherwise, any land or interest in land without license in mortmain, and any personal property, for the use, support and purposes of the Hospital, and all persons shall have full and unrestricted right and power to give, grant and bequeath to the Corporation and to the Board of Governors any land or interest therein, and any personal property, for such use, support or purpose. ^{Acquisition of property.}

9. All gifts, trusts, bequests, devises, and grants of real or personal property, or of the income or proceeds thereof, heretofore or hereafter expressed by any person in his deed or will, to be made, given or conveyed to the Hospital shall, in so far as the same shall not have vested in possession, or been ^{Gifts to hospital deemed gifts to City.}

carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made to the Corporation for the purposes of the hospital to be established under this Act, and shall be paid over, granted or conveyed, by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will to the Board of Governors, whose receipt shall be a sufficient discharge thereof.

Recovery
of charges.

10. The Board of Governors shall be entitled to recover from a patient other than one who is unable, by reason of poverty, to pay for the same, the charges fixed by the Board for treatment in the Hospital.

Estimates.

11.—(1) The Board of Governors shall, on or before the 1st day of February in each year, prepare and certify to the council of the City of Belleville for its consideration its estimated revenues and its estimated expenditures in connection with the Hospital for the current year.

Special
annual
rate.

(2) The council of the City of Belleville shall, in each year, assess and levy by a special rate on the whole rateable property within the municipality a sum sufficient to provide such amount, if any, by which the total of such of the estimated expenditures as are approved by the council exceeds the estimated revenues.

Rev. Stat.,
c. 390, not
affected.

(3) Nothing contained in subsections 1 and 2 shall relieve the Corporation from any liability under *The Public Hospitals Act*.

Disposition
of moneys.

12.—(1) All moneys received by the Board of Governors or by the officer in charge of the Hospital, for the uses thereof, shall be deposited in a special account to be kept in the name of the Board of Governors in a chartered bank in the City of Belleville.

Cheques.

(2) All cheques drawn upon the said account shall be signed by such officer or officers as the Board of Governors may designate and appoint for that purpose.

Audit of
hospital
accounts.

13.—(1) The auditor of the Corporation shall audit annually, and at such other times as he may be directed by the council, the books of account and the expenditures and revenue of the Hospital, and he shall prepare and submit to the Corporation in the month of January in each year a report showing the revenue and expenditures made by or on behalf of the Hospital during the preceding year, and the assets and liabilities of the Hospital.

(2) The auditor shall report to the council of the City of Belleville upon any expenditures made by the Board of Governors, contrary to law or the provisions of this Act. ^{Report of improper expenditure.}

(3) The auditor shall supervise and determine, from time to time, the methods of book-keeping and accounting to be employed in connection with the Hospital. ^{Supervision by auditor.}

14. Subject to the approval of the Lieutenant-Governor in Council, the Board of Governors may pass by-laws and make regulations for the management of the Hospital. ^{Regulations.}

15. Subject to subsection 3 of section 6, the Board of Governors shall have power to fix all salaries and wages to be paid to all officers and servants of the Board. ^{Salaries.}

16. The Board of Governors may from time to time borrow for the purpose of the general maintenance of the Hospital a sum not to exceed \$2,000 at any one time. ^{Borrowing power.}

17.—(1) If, as and when the Association erects a home for the aged the Corporation shall make a grant to the Association of \$100,000, or such lesser sum as may be required by the Association for the construction of the home. ^{Home for aged.}

(2) The council of the Corporation may pass by-laws, without the assent of the electors, for borrowing upon debentures of the Corporation for the purpose of making the grant mentioned in subsection 1. ^{Borrowing power re home.}

(3) Such debentures shall be made payable in 20 years at the latest from the date of issue. ^{Term of debentures.}

(4) Every such by-law shall comply with section 305 of *The Municipal Act* in so far as such provisions are applicable and the principal and interest due in respect of the debentures issued thereunder shall be made payable as provided in such section. ^{Rev. Stat., c. 266, s. 305, to apply.}

18. The Public Utilities Commission of the City of Belleville or any other commission in Belleville which is exempt or partially exempt from taxation may agree to pay for any municipal services rendered by the Corporation. ^{Payment by commissions for services.}

19. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

20. This Act may be cited as *The City of Belleville Act, 1948*. ^{Short title.}

CHAPTER 103.

An Act respecting F. D. Burkholder, Limited.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS F. D. Burkholder, Harold C. Mackey and John R. Ruggles have represented that they were formerly President, Director and Secretary respectively of F. D. Burkholder, Limited, and that the company was incorporated under *The Companies Act* by letters patent dated the 12th day of April, 1910; and that an application was made to the Lieutenant-Governor to surrender and cancel the charter of incorporation on the 18th day of November, 1946, and an order accepting the surrender was made on the 14th day of January, 1947, fixing the date of dissolution as the 10th day of February, 1947; and that the by-law of the company authorizing the directors to make application for the surrender was not properly passed or voted upon by the shareholders of the company, and for that reason is now seen to be invalid; and that the purported surrender and cancellation of charter created undue hardship on the shareholders, and the petitioners are desirous of cancelling and revoking the said surrender as of the 14th day of January, 1947; and whereas the petitioners by their petition have prayed for special legislation in respect of the said matters; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Rev. Stat.,
c. 251.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the purported surrender of letters patent of F. D. Burkholder, Limited, the surrender and the order of the Provincial Secretary dated the 14th day of January, 1947, accepting the surrender are deemed never to have been made and the company is hereby revived and the charter of F. D. Burkholder, Limited restored as of the 14th day of January, 1947.

Surrender
of letters
patent
cancelled
and charter
restored.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The F. D. Burkholder, Limited Act, 1948*.

Short title.

CHAPTER 104.

An Act respecting Canadian Lakehead Exhibition.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS Canadian Lakehead Exhibition by its petition has prayed for special legislation as hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation of the City of Fort William and the council of the Corporation of the City of Port Arthur, respectively, may hereafter each grant or loan money or grant land in aid of Canadian Lakehead Exhibition to an amount not exceeding \$35,000 under and otherwise in accordance with the provisions of section 26 of *The Agricultural Societies Act, 1939*. Grants to
Exhibition
authorized.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

3. This Act may be cited as *The Canadian Lakehead Exhibition Act, 1948*. Short title.

CHAPTER 105.

An Act respecting the Canadian National
Exhibition Association.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS by an Act entitled *An Act to incorporate the* Preamble.
Industrial Exhibition Association of Toronto, being 1879, c. 81.
chapter 81 of the Statutes of Ontario, 1879, the Association
was incorporated for the purpose of promoting industries,
arts and sciences generally, and of establishing and holding
agricultural, industrial, art and other exhibitions at the City
of Toronto; and whereas the name of the Association was
changed to Canadian National Exhibition Association by an
Act entitled *An Act respecting the Industrial Exhibition* 1912, c. 151.
Association of Toronto, being chapter 151 of the Statutes of
Ontario, 1912; and whereas as the powers and privileges of the
Canadian National Exhibition Association have been extended
from time to time by divers amendments to the said Acts
and as it is desired to further extend such powers and privileges,
the Association deems it desirable to consolidate all the powers
and privileges of the Association into one Act and by its
petition has prayed for special legislation therefor; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "Association" means Canadian National Exhibition "Associa-
Association"; tion";
- (b) "Board" means Board of Directors of the Association; "Board";
- (c) "directors" means directors of the Association; and "directors";
- (d) "members" means members of the Association. "members".

2. The several persons and representatives of bodies from Corporation
time to time constituting the members shall continue to be a continued.
body politic and corporate by the name of "Canadian National
Exhibition Association".

Head office. **3.** The head office of the Association shall be at the City of Toronto.

Powers of Association,—

4. The Association shall have power,—

exhibition authorized,

(a) either permanently or periodically in structures, buildings, enclosures and places located in the City of Toronto or in the Township of York, suitable for exhibition purposes, and for the promotion of industries, arts and sciences generally,

animals and vegetables,

(i) to exhibit any and every variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral,

products, wares, goods, etc.,

(ii) to exhibit products, wares, goods, merchandise, machinery, mechanical inventions and improvements, of every nature, name and kind, and such as are generally exhibited at fairs, including the various processes of manufacture,

paintings and statuary,

(iii) to exhibit paintings and statuary of any and every nature and kind,

horses and other animals,

(iv) to exhibit and develop the points and qualities of the several breeds of horses and other animals by such competitive tests as may be humane and proper and as may be deemed expedient, and

other exhibitions;

(v) to make such other exhibitions as will be in conformity with the purposes and objects of this Act;

entertainment and amusements;

(b) to provide entertainment or amusement to persons visiting its exhibition by means of music, shows or other attractions and to enter into contracts for such purposes and to allot space for such shows or attractions and to dispose of any contracts for such music, shows or attractions which may not be completed at the close of any exhibition;

real and personal property;

(c) for the purpose only of carrying on and maintaining the business aforesaid and such other business as may be hereafter mentioned, to hold, own and acquire, by lease, purchase, gift or otherwise, property real and personal, at such prices and on such terms and conditions as may be agreed upon, and to improve and use the same by the construction of such buildings, houses, works and improvements as

power to improve;

- are necessary and as may be deemed proper, and to sell, mortgage, lease or otherwise dispose of any property at any time held by the Association; power to sell, mortgage, etc.;
- (d) to cultivate such portions of the grounds of the Association as the Association may deem proper for the propagation of plants, trees, shrubs, or other things of a vegetable nature; cultivation of grounds;
- (e) to manufacture and raise articles and things required in the various exhibitions held by the Association; manufacture of articles, etc.;
- (f) to charge such admission fees as may be deemed proper to receive for exhibiting every thing authorized by this Act; admission fees;
- (g) to charge such entrance fees, and to award, give and pay to exhibitors such prizes, medals and honorary distinctions as the Association may deem proper; and entrance fees and prizes;
- (h) to let or lease stalls, stands, rooms and places in any of the buildings or structures of the Association, or in any part of the grounds or property of the Association, upon such terms and conditions and for such purposes as the Board may deem best for the interests of the Association. leasing of stalls, etc.

5.—(1) The membership of the Association shall be divided into three sections, namely: Membership.

1. The City Council and Municipality Section, not to exceed sixty members, exclusive of life members.
2. The General, Manufacturers and Liberal Arts Section, not to exceed sixty-one members, exclusive of life members.
3. The Agricultural Section, not to exceed sixty members, exclusive of life members.

(2) The City Council and Municipality Section shall consist of,— City Council and Municipality Section,—

- (a) the Mayor of the City of Toronto, all other members of the council of the said City, the Chief Constable of the said City, all other permanent heads of civic departments appointed by the said council and the respective heads of the councils of the following municipalities in the Greater Toronto area: ex officio members;

the Town of Mimico,
 the Town of New Toronto,
 the Town of Weston,
 the Town of Leaside,
 the Village of Swansea,
 the Village of Long Branch,
 the Village of Forest Hill,
 the Township of Etobicoke,
 the Township of York,
 the Township of North York,
 the Township of East York, and
 the Township of Scarborough,

all of whom shall be *ex officio* members of the Association;

appointed
 members;

- (b) two representatives from The Board of Education for the City of Toronto and one representative of each of the following bodies:

The Toronto Transportation Commission,
 Toronto Electric Commissioners, and
 The Toronto Harbour Commissioners,

such representatives to be named and appointed annually in the month of January, by the said several bodies; and

life members.

- (c) the life members of the Association assigned to the City Council and Municipality Section.

General,
 Manufac-
 turers and
 Liberal Arts
 Section,—
ex officio
 members;

- (3) The General, Manufacturers and Liberal Arts Section shall consist of,—

- (a) the following ministers of the Province of Ontario: the Minister of Education, the Minister of Planning and Development, the Minister of Mines, the Minister of Municipal Affairs, the Minister of Travel and Publicity, the Minister of Public Welfare, the Minister of Lands and Forests, the Attorney General and the Provincial Secretary, all of whom shall be *ex officio* members of the Association, provided that the deputy of each of the said ministers shall be *ex officio* a member of the Association in the place of his minister during the absence or illness of his minister or during such periods as his minister from time to time may designate in writing;

Proviso.

appointed
 members;

- (b) fifteen representatives from the Canadian Manufacturers Association, at least three of whom shall be non-residents of Toronto, whose principal busi-

nesses are located outside Toronto; five representatives from the Board of Trade of the City of Toronto; two representatives from each of the following bodies:

The Council of the County of York,
Canadian Chamber of Commerce,
The Retail Merchants Association of Canada,
Commercial Travellers' Association of Canada,
Ontario Society of Artists,
Canadian Daily Newspapers Association, and
Toronto District Labour Council,

and one representative from each of the following bodies:

The Hydro-Electric Power Commission of Ontario,
The York Pioneer and Historical Society,
The Canadian Society of Graphic Art,
Royal Canadian Academy of Arts,
Art Gallery of Toronto,
Ontario Association of Architects,
Toronto Builders Exchange,
Academy of Medicine, Toronto,
Royal Conservatory of Music of Toronto,
Toronto Camera Club
Canadian Construction Association,
Canadian Electrical Manufacturers' Association,
Radio Manufacturers' Association of Canada,
Canadian Association of Broadcasters,
Toronto Industrial Commission,
The Toronto Convention and Tourist Association,
Association of Professional Engineers of the
Province of Ontario, and
Canadian Weekly Newspapers' Association,

such representatives to be named and appointed by the said several bodies at their annual meetings for the election of officers, and in the case of the said council of the County of York and The Hydro-Electric Power Commission of Ontario, to be appointed annually; and

- (c) the life members of the Association assigned to the *life members*,
General, Manufacturers and Liberal Arts Section.

- (4) The Agricultural Section shall consist of,—

Agricultural
Section,—

- (a) the Director of the Central Experimental Farm, *ex officio*
Ottawa, the Director of Canadian National Live-
stock Records, Ottawa, the Minister of Agriculture
and the Deputy Minister of Agriculture of the Prov-
members;

ince of Ontario, the President of The Ontario Agricultural College and the officials of the Ontario Department of Agriculture following: the Live Stock Commissioner, the Commissioner of Marketing, the Director of Extension, the Director of the Fruit Branch, the Director of Crops Branch, the Director of the Agricultural and Horticultural Societies Branch and the Director of the Dairy Branch, all of whom shall be *ex officio* members of the Association;

appointed
members;

(b) two representatives from each of the following bodies:

The Canadian Kennel Club,
The Canadian Shorthorn Association, and
Ontario Fruit and Vegetable Growers' Association,

and one representative from each of the following bodies:

The Canadian Thoroughbred Horse Society,
The Canadian Hackney Horse Society,
The Clydesdale Horse Association of Canada,
The Canadian Pony Society,
Ontario Horse Breeders' Association,
The Canadian Percheron Association,
Toronto Hunt Limited,
Toronto Driving Club,
Ontario Jockey Club,
The Ontario Veterinary Association,
The Canadian Standard Bred Horse Society,
Canadian Hunter, Saddle and Light Horse Improvement Society,
Eglinton Hunt Club,
Canadian Belgian Draught Horse Breeders' Association,
Canadian Aberdeen-Angus Association,
The Canadian Ayrshire Breeders' Association,
The Canadian Hereford Breeders' Association,
The Holstein-Friesian Association of Canada,
The Canadian Jersey Cattle Club,
The Ontario Cattle Breeders' Association,
The Canadian Guernsey Breeders' Association,
The Canadian Sheep Breeders' Association,
Canadian Swine Breeders' Association,
The Ontario Sheep Breeders' Association,
The Ontario Swine Breeders' Association,
The Ontario Poultry Association,
The Eastern Ontario Poultry, Pigeon and Pet Stock Association,
Dominion Rabbit and Cavy Breeders,
Canadian National Cat Club.

Greater Toronto Poultry and Pet Stock Association,
 Canadian Pigeon Fanciers Association,
 Canadian Avicultural Society,
 The Royal Agricultural Winter Fair Association
 of Canada,
 Canadian Council of Boys and Girls Work,
 Ontario Junior Farmers Association,
 Ontario Horticultural Association,
 Toronto Horticultural Society,
 Gardeners and Florists Association of Ontario,
 The Allied Florists' and Growers' of Canada,
 The Ontario Beekeepers' Association,
 Dairymen's Association of Western Ontario, and
 Ontario Association of Agricultural Societies,

such representatives to be named and appointed by
 the said several bodies at their annual meetings for
 the election of officers; and

- (c) the life members of the Association assigned to the life members.
 Agricultural Section.

(5) Each representative of the bodies named in subsections Qualifica-
 3 and 4 and of such other bodies, representatives of which may tions of
 hereafter be admitted to membership in the Association, shall appointed
 be a member of the body which he represents and shall be members.
 actively engaged in the industry which such body purports to
 represent.

(6) Notice of appointment of representatives and the names Notice of
 and addresses of such representatives, signed by the president appoint-
 and secretary of each of the said bodies (other than the ment of
 council of the County of York and The Hydro-Electric Power representa-
 Commission of Ontario) together with a statement verified tive to be
 by statutory declaration of such secretary, of the total number given to
 of members of the body at the date of its annual meeting, the Association.
 number of such members who upon the said date had paid
 their fees to the body, and the number of such members who
 attended the annual meeting, shall forthwith after such
 meeting be given to the Association so that the same shall be
 received by the secretary of the Association not later than the
 second Wednesday of February in each year at the hour of
 12 o'clock noon.

(7) In the event of any of the bodies named in subsections Cancellation
 3 and 4, or of such other bodies, representatives of which may of repre-
 hereafter be admitted to membership in the Association, sentation
 failing to appoint a representative in any year in accordance in member-
 with the preceding subsections, the representation of such ship.
 body may be cancelled by the Association, and the decision

of the Association at the annual meeting shall be final upon any question as to the proper appointment of any such representative and whether the preceding subsections have been complied with.

Change in name not to affect representation in membership.

(8) In the event of any of the bodies mentioned in subsections 3 and 4, or of such other bodies, representatives of which may hereafter be admitted to membership in the Association, changing its name, such body shall continue to have the same rights and privileges under its new name as though its new name were mentioned in the said subsections or in the Order-in-Council admitting representatives of such body to membership in the Association, as the case may be.

Past Presidents to be life members and members of the Board.

(9) In recognition of distinguished services to the Association, all past presidents shall be constituted life members of the Association and members of the Board, and shall be assigned to the City Council and Municipality Section, the General, Manufacturers and Liberal Arts Section or the Agricultural Section, as may be determined by the Board.

Admission of new members.

(10) Subject to the limitation in the number of the members, the Lieutenant-Governor in Council, upon the recommendation of the Board approved by the Association at any annual or special meeting, may admit to membership in the Association such number of representatives of other bodies and such life members as he may see fit, and may upon a like recommendation assign the same to the General, Manufacturers and Liberal Arts Section or to the Agricultural Section, and may upon a like recommendation cancel the representation of any body or the membership of any person.

Term of office.

(11) Subject to subsection 7 the appointed members of the Association shall hold office until their successors are appointed.

Directors,—

6.—(1) The Board shall consist of,—

ex officio directors,

(a) the Minister of Agriculture of the Province of Ontario and the Mayor of the City of Toronto, both of whom shall be *ex officio* members of the Board;

past presidents;

(b) the past presidents of the Association;

appointed directors;

(c) seven members of the council of the City of Toronto to be appointed at the inaugural meeting each year of the council; and

elected directors.

(d) two representatives from the City Council and Municipality Section, ten representatives from the General, Manufacturers and Liberal Arts Section

and ten representatives from the Agricultural Section, such twenty-two representatives to be elected annually on such day as may be fixed by by-law by the Board, by ballot by a plurality of the votes of the members of the Association present in person and voting.

(2) The Board shall each year, within one week after the election of directors at a meeting of the Board called for the purpose, elect from among the directors a president and two vice-presidents, and may at such meeting elect as honorary president, to hold office during the year, any director who has held the office of president, and in the event of there being no past president or of such person refusing to act, then any of the directors may be elected as honorary president. Election of president, etc.

(3) If a vacancy occurs at any time by death, resignation or otherwise among the twenty-two elected directors, the remaining directors shall fill the vacancy by the appointment of some member of the Association for the remainder of the year. Vacancies—elected directors.

(4) If a vacancy occurs at any time by death, resignation or otherwise among the seven directors appointed by the council of the City of Toronto, the council may appoint one of its members to fill the vacancy for the remainder of the year. Vacancies—appointed directors.

(5) If a vacancy occurs at any time by death, resignation or otherwise in the office of president or vice-presidents, the Board may elect from among the directors, a person to fill the vacancy for the remainder of the term for which the person so vacating was elected. Vacancies—president or vice-president.

(6) Subject to subsection 7 of section 5 the president and vice-presidents and the elected and appointed members of the Board shall hold office until their successors are elected or appointed, as the case may be. Term of office.

7. The Board shall have power,—

Powers of Board.

(a) to make by-laws, rules and regulations not inconsistent with this Act for, By-laws, rules and regulations.

(i) the management of the Association,

Management.

(ii) the acquisition of exhibition grounds and buildings, by purchase, lease, agreement or otherwise, and the selling, leasing, mortgaging or otherwise disposing of the same, as occasion may require, Acquisition of exhibition grounds and buildings.

Acquisition,
management
and sale of
property.

(iii) the acquisition and management of all property, whether real or personal, which may be required for the purposes of, or in connection with, the exhibition or other business and operations of the Association, and the sale or other disposal thereof, when no longer required for such purposes,

Agreements,
contracts,
etc.

(iv) the entering into of such arrangements, agreements and contracts with any person or corporation, society or association, as may become necessary to carry out the objects of the Association,

Admission of
new
members.

(v) the admission of other persons as members, and of other corporations, societies, associations or organizations than those named in this Act, to be represented in the Association, and the terms and conditions of such admissions,

Members'
fees.

(vi) the fee, if any, to be paid by the members,

Holding of
exhibitions.

(vii) the holding of exhibitions annual or periodical,

Meetings of
Association.

(viii) fixing the time for the annual meeting, and the calling of general, special and other meetings of the Association,

Appoint-
ment of
officers, etc.

(ix) the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the Association,

Admission
fees.

(x) the admission fees to be received from persons visiting the exhibitions held by the Association,

Exhibitors'
fees.

(xi) the entrance fees to be charged to exhibitors,

Management
of exhibi-
tions.

(xii) the general management of all exhibitions, and

Gambling,
theatrical
perform-
ances, etc.

(xiii) the prohibition of gambling, theatrical, circus or mountebank performances, exhibitions or shows and the huckstering or trafficking in fruits, goods or merchandise, tickets or other things on the Exhibition Grounds in the City of Toronto or on the streets or lots within four hundred yards of such grounds, during the time of the annual exhibition of the Association, and any one violating such by-

laws, rules or regulations or refusing on demand to desist from such violation, may be removed by the officers of the Association, or by any police officer and shall also be liable to a fine of not less than \$1 and not more than \$20, recoverable under *The Summary Convictions Act*, such fine to be paid over to the Association for its use and benefit and in default of payment the offender shall be imprisoned in the common gaol for a period of not more than thirty days; provided, that this clause shall not prevent the sale upon any lands within the said distance of four hundred yards of articles usually sold thereon at times other than during the said exhibition;

Violations.

Rev. Stat., c. 136.

Proviso.

(b) in general, to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers of the Association;

General powers.

(c) to appoint annually such number of honorary and associate directors as it may deem advisable, and such honorary and associate directors shall have such powers and perform such duties as may be assigned to them from time to time by the Board, but shall not have the right to vote at meetings of the Board; and

Appointment of honorary and associate directors.

(d) in recognition of distinguished services to the Association, to appoint such former directors of the Association as it deems advisable as honorary directors for life, and such honorary directors shall have all the rights, powers and duties of directors of the Association but shall not have the right to vote at meetings of the Association or of the Board.

Appointment of life honorary directors.

8. The Board shall continue to have a cash fund of not less than \$10,000 and a guarantee or subscription fund of not less than \$20,000, to be used and applied for the purposes of the Association.

Cash and guarantee funds to be maintained.

9. The bodies named in section 5, such other bodies, representatives of which may hereafter be admitted to membership in the Association, and the bodies recognized or formed, or hereafter to be formed, under *The Horticultural Societies Act, 1938*, or *The Agricultural Societies Act, 1939*, are hereby authorized and empowered to enter into any arrangement or agreement with the Board for the holding of exhibitions and for taking part in the exhibitions to be held by the Association, and otherwise for promoting the objects of the

Certain societies authorized to make agreements with and aid the Association.

1938, c. 16, 1939, c. 1.

Association, and may aid the same with grants of moneys belonging to any body not otherwise specially appropriated by any statute of the Province of Ontario, and all such arrangements, agreements and grants now in existence shall be valid.

Aid from
municipalities.

10. Any municipality may grant money in aid of the Association, and in addition the City of Toronto, the Township of York or the County of York may grant land, or may lend money to the Association, and may effect such loan or grant such land or aid, upon such terms and conditions as may be agreed upon and may recover the money so lent and may appropriate the moneys so recovered to the purposes of the municipality; provided, that a city or county shall not in any one year grant more money than \$5,000, and no other municipality shall in any one year grant more money than \$500.

Proviso.

Agreements
with munici-
palities.

11. Subject to section 10, any municipality and the Association are hereby authorized to make and enter into agreements relating to the holding of any exhibition and the granting and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purpose of the Association, and subject to the limitation contained in paragraph 1 of subsection 1 of section 5 for the representation of such municipality in the Association by the appointment of members of the council of the municipality as representatives to the Association, and all representatives so appointed in pursuance of any such agreement shall become members of the City Council and Municipality Section of the Association and entitled to vote upon all matters and questions submitted or voted upon at meetings of the Association, and the council of every such municipality may pass by-laws for any such purpose and in the furtherance of the purposes of the Association, and all agreements and by-laws now in existence for the purposes aforesaid shall be valid.

Present
by-laws, etc.,
to continue.

12. The by-laws, rules, orders and regulations of the Association now in force shall be and continue to be the by-laws, rules, orders and regulations of the Association until altered or repealed.

Provisions
repealed.

13. The following are repealed:

1879, c. 81;

(a) *An Act to incorporate the Industrial Exhibition Association of Toronto*, being chapter 81 of the Statutes of Ontario, 1879;

1905, c. 114;

(b) *An Act to amend the Act incorporating the Industrial Exhibition Association of Toronto*, being chapter 114 of the Statutes of Ontario, 1905;

- (c) section 7 of *An Act respecting the City of Toronto*,^{1908, c. 112, s. 7;} being chapter 112 of the Statutes of Ontario, 1908;
- (d) *An Act respecting the Industrial Exhibition Association*^{1912, c. 151;} of Toronto, being chapter 151 of the Statutes of Ontario, 1912;
- (e) *An Act respecting the Canadian National Exhibition*^{1919, c. 126;} Association, being chapter 126 of the Statutes of Ontario, 1919;
- (f) section 4 of *The Statute Law Amendment Act, 1934*;^{1934, c. 54, s. 4;}
- (g) section 4 of *The Statute Law Amendment Act, 1935*;^{1935, c. 66, s. 4;} and
- (h) section 4 of *The Statute Law Amendment Act, 1936*.^{1936, c. 56, s. 4.}

14. This Act shall come into force on the 1st day of ^{Commence-}January, 1949. ^{ment of Act.}

15. This Act may be cited as *The Canadian National*^{Short title.}
Exhibition Association Act, 1948.

CHAPTER 106.

An Act respecting the City of Chatham.

Assented to March 31st, 1948.

Session Prorogued April 16th, 1948.

WHEREAS the Corporation of the City of Chatham Preamble.
by its petition has prayed for special legislation to
confirm certain orders of the Ontario Municipal Board
annexing parts of the Township of Raleigh and the Township
of Dover to the City of Chatham; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order P.F. B-4280 of the Ontario Municipal Board Municipal
Board Order
P.F. B-4280
confirmed.
dated the 29th day of November, 1945, set out as Schedule A
hereto, is hereby confirmed, and the said Order shall be deemed
to have had effect on and after the 1st day of January, 1946.

2. Order P.F. B-5669 of the Ontario Municipal Board Municipal
Board Order
P.F. B-5669
confirmed.
dated the 31st day of December, 1946, set out as Schedule B
hereto, is hereby confirmed, and the said Order shall be deemed
to have had effect on and after the 1st day of January, 1947.

3. Order P.F. B-5873 of the Ontario Municipal Board Municipal
Board Order
P.F. B-5873
confirmed.
dated the 7th day of July, 1947, set out as Schedule C hereto,
is hereby confirmed, and the said Order shall be deemed to
have had effect on and after the 7th day of July, 1947.

4. Order P.F. B-6101 of the Ontario Municipal Board Municipal
Board Order
P.F. B-6101
confirmed.
dated the 19th day of January, 1948, set out as Schedule D
hereto, is hereby confirmed, and the said Order shall be deemed
to have had effect on and after the 19th day of January, 1948.

5. This Act shall come into force on the day upon which Commence-
ment of Act.
it receives the Royal Assent.

6. This Act may be cited as *The City of Chatham Act, 1948.* Short title.

SCHEDULE A

P.F. B-4280

THE ONTARIO MUNICIPAL BOARD

R. S. COLTER, K.C., Chairman,
 D. S. CHARLTON, Vice-Chairman,
 W. P. NEAR, B.A.Sc., Commissioner.

Thursday, the Twenty-ninth
 day of November, A.D
 1945.

UPON THE APPLICATION of the Corporation of the City of Chatham and upon reading the notice of application, Consent of the Corporation of the Township of Raleigh, Certificate as to ownership of land filed, and it appearing that notice of such application has been duly served upon the Corporation of the County of Kent and upon William F. Leeson and William Henry Westman, owners of adjoining lands and premises.

1. IT IS ORDERED that the following lands and premises, namely:

ALL AND SINGULAR those certain parcels or tracts of lands and premises situate, lying and being in the Township of Raleigh, in the County of Kent and Province of Ontario and being composed of parts of Lots Numbers Twenty-one and Twenty-two in the Front Concession of the said Township of Raleigh, more particularly described as follows:

Firstly: Part of Lot Number Twenty-two in the Front Concession of said Township of Raleigh, being more particularly described as follows: Commencing at a point on the southeasterly limit of King's Highway Number Two (which Highway crosses said Lot) distant eighty-three feet easterly from the point of intersection of the southeasterly limit of King's Highway Number Two and the southeasterly production of the southwesterly limit of Merritt Avenue (which Avenue extends through said Lot from King's Highway Number Two to the River Thames) which point of intersection is distant one thousand and one-half feet more or less southwesterly at right angles from the northeasterly limit of said Lot Twenty-two; thence southwesterly along the said limit of King's Highway Number Two to the southwesterly limit of said Lot Number Twenty-two; thence southwesterly along the southwesterly limit of said Lot Twenty-two to a point distant fifty feet northwesterly from the northwesterly limit of the right-of-way of the Canadian National Railways; thence northeasterly parallel with the northwesterly limit of the Canadian National Railways to a point in a line drawn parallel with the southwesterly limit of said Lot Twenty-two through a point six feet westerly from the point of commencement on said limit of King's Highway Number Two; thence northwesterly in a straight line to the place of beginning.

Secondly: Commencing at the intersection of the northeasterly limit of said Lot Twenty-two with the northerly limit of the lands of the Canadian National Railway Company crossing said lot; thence westerly along the northerly limit of the lands of the Canadian National Railway Company to the southwesterly limit of said lot; thence northwesterly along the southwesterly limit of said lot fifty feet to a point; thence northeasterly parallel with the northwesterly limit of the Canadian National Railway Company lands to the northeasterly limit of said Lot Twenty-two; thence southeasterly along said northeasterly limit of said lot a distance of fifty feet to the place of beginning.

Thirdly: Commencing at the intersection of the northeasterly limit of said Lot Twenty-one with the northerly limit of the lands of the Canadian National Railway Company crossing said lot; thence westerly along the northerly limit of the lands of the Canadian National Railway Company to the westerly limit of a lane and the production thereof running from the said lands of the Canadian National Railway Company to the

water's edge of the River Thames, being the westerly limit of the lands described in Registered Instrument Number 21883 for the Township of Raleigh; thence northerly and parallel with the northeasterly limit of said Lot Number Twenty-one a distance of seventy-five feet to a point; thence easterly and parallel with the northerly limit of said lands of the Canadian National Railway Company to the northeasterly limit of said Lot Number Twenty-one; thence southerly along the easterly limit of said Lot Twenty-one a distance of seventy-five feet to the place of beginning,

be and the same are hereby annexed to the Corporation of the City of Chatham.

2. AND IT IS FURTHER ORDERED that there shall be no adjustment of assets and liabilities, taxation, assessment improvements or otherwise between the Corporation of the Township of Raleigh and the Corporation of the City of Chatham.

3. AND IT IS FURTHER ORDERED that this Order shall come into effect at midnight on the 31st day of December, 1945.

(Seal)

D. S. CHARLTON,
Vice-Chairman.

SCHEDULE B

P.F. B-5669

THE ONTARIO MUNICIPAL BOARD

Tuesday, the Thirty-first day of December, A.D. 1946.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andW. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), (as re-enacted by Section 2, Chapter 30, O.S. 1939); and

IN THE MATTER OF an application by the Corporation of the City of Chatham for approval of its By-law Number 3139, intituled: "By-law Number 3139, being a By-law to provide for the annexation of the lands hereinafter described (or such portion of the lands as the Ontario Municipal Board may by order direct) to the Municipality of the City of Chatham."

UPON THE APPLICATION of the Corporation of the City of Chatham for approval of By-law Number 3139, by the Ontario Municipal Board, in accordance with the requirements of Section 23 of *The Municipal Act*, being R.S.O. 1937, Chapter 266 (as re-enacted by Section 2, Chapter 30, O.S. 1939), and the same having come on for hearing on the 21st day of November, 1946, at the Council Chambers in the City of Chatham, pursuant to appointment and notice thereof, before Chairman R. S. Colter, Esq., K.C., and W. J. Moore, Esq., O.L.S., having heard all parties, or their Counsel, as objecting to the said application, and upon hearing Counsel for the said Corporation, and upon reading the material filed, and it appearing that proper notice had been given to all parties concerned, this Board did direct that the hearing be adjourned, for the purpose of considering the objections as made, and having considered the said objections,

THIS BOARD ORDERS in pursuance of the provisions of Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), (as re-enacted by Section 2, Chapter 30, O.S. 1939), that the parcels of land lying and being in the Township of Raleigh, in the County of Kent and Province of Ontario, as more particularly described as "Firstly" and "Fifthly" in By-law Number 3139 for the Corporation of the City of Chatham, as set out in Schedule "A" attached hereto, be and the same are hereby annexed to the Municipality of the Corporation of the City of Chatham, and recommends that such annexation shall take effect as of the First day of January, A.D. 1947.

(Seal)

R. S. COLTER,
Chairman.

Schedule "A"

Firstly: That part of Lot 21 in the First or Front Concession of the Township of Raleigh, in the County of Kent, described as follows: Commencing at the intersection of the northeasterly limit of said Lot 21 with the southeasterly limit of King's Highway Number Two; thence westerly along the southeasterly limit of King's Highway Number Two to the westerly limit of that part of said Lot 21, heretofore conveyed to one John Keil by registered instrument number 21883; thence southeasterly along the southwesterly limit of the lands so conveyed by said registered instrument number 21883 to the northwesterly limit of the right-of-way of the Canadian National Railways; thence northeasterly along said limit of said right-of-way to the northeasterly limit of said Lot 21; thence northwesterly along said last mentioned limit to the place of beginning.

Fifthly: That part of Lot Number 22 in the Front Concession of the Township of Raleigh, in the County of Kent, more particularly described as follows: Commencing at a point distant fifty feet measured northwesterly along the northeasterly limit of the extension of Merritt Avenue from the northwesterly limit of the lands of the Canadian National Railways, said point of commencement being at the point where the northeasterly limit of the parcel of land conveyed by William F. Leeson to the Corporation of the City of Chatham and registered in the Registry Office for the Registry Division of the County of Kent on the 8th day of November, 1945, as Instrument Number 31362 and described firstly, intersects the northeasterly limit of the parcel of land described secondly in said Instrument Number 31362; thence northwesterly along the said northeasterly limit of the parcel of land described firstly in said Instrument Number 31362 a distance of two hundred feet; thence northwesterly along the said northeasterly limit of the parcel of land described firstly in said Instrument Number 31362 a distance of two hundred and sixty feet; thence southeasterly parallel to the said northeasterly limit of the parcel of land described firstly in said Instrument Number 31362 a distance of one hundred and eighty-eight feet more or less to a line drawn parallel to and distant fifty feet measured northwesterly from the said northwesterly limit of the lands of the Canadian National Railways, said last mentioned parallel line being the northwesterly limit of the parcel of land described secondly in said Instrument Number 31362; thence southwesterly parallel to the said northwesterly limit of the Canadian National Railways and along the said northwesterly limit of the parcel of land described secondly in said Instrument Number 31362 a distance of 260.29 feet more or less to the place of beginning.

SCHEDULE C

P.F. B-5873

THE ONTARIO MUNICIPAL BOARD

Monday, the Seventh day of July, A.D. 1947.

BEFORE:

W. P. NEAR, ESQ., B.A.Sc.,
Vice-Chairman, and

W. J. MOORE, ESQ., O.L.S.,
Member.

IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), (as re-enacted by Section 2, Chapter 3, O.S. 1939), (and as further re-enacted by Section 2, subsection 3, O.S. 1947 (Bill No. 104)), and

IN THE MATTER OF an application by the Corporation of the City of Chatham for approval of its By-law Number 3148 intitled: "By-law Number 3148, being a By-law to provide for the annexation of the lands hereinafter described, and as now lying and being in the Township of Dover, to the Municipality of the Corporation of the City of Chatham".

UPON THE APPLICATION OF the Corporation of the City of Chatham, for approval of By-law Number 3148 by the Ontario Municipal Board, in accordance with the requirements of Section 23 of *The Municipal Act*, being R.S.O. 1937, Chapter 266 (as re-enacted by Section 2 of Chapter 30, O.S. 1939) (and as further re-enacted by Section 2, subsection 3, O.S. 1947 (Bill No. 104)), and the same having come on for hearing on the 27th day of March, 1947, at the Council Chambers in the City of Chatham, pursuant to appointment and notice thereof before Vice-Chairman W. P. Near, Esq., B.A.Sc., and W. J. Moore, Esq., O.L.S., having heard all parties, or their Counsel as objecting to the said application, and upon hearing Counsel for the said Corporation, and upon reading the the material filed, and it appearing that proper notice had been given to all parties concerned, this Board did direct that the hearing be adjourned for the purpose of obtaining the approval of the Municipal Council of the Township of Dover, which said approval has since been received.

THIS BOARD ORDERS in pursuance of the provisions of Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), (as re-enacted by Section 2, Chapter 30, O.S. 1939), (and as further re-enacted by Section 2, subsection 3, O.S. 1947 (Bill No. 104)), that the parcel of land lying and being in the Township of Dover, in the County of Kent and Province of Ontario, being composed of part of Lot 202, according to a Plan registered in the Registry Office for the County of Kent as Number 413, and being more particularly described as follows: Commencing at a point on the southwesterly limits of the City of Chatham, or the northeasterly limit of said Lot Number 202 at a point one-half way between the southeasterly limit of Emma Street and the northwesterly limit of Mary Street; thence southwesterly parallel with the said southeasterly limit of Emma Street, a distance of one hundred and ninety-four feet eight inches (194' 8"), more or less, to the southwesterly limit of Lot 202; thence southeasterly along the said southwesterly limit of Lot 202, to the water's edge of the River Thames; thence northeasterly along the said water's edge of the River Thames to the northeasterly limit of said Lot Number 202, or the said southwesterly limits of the City of Chatham; thence northwesterly along the said Northeasterly limit of said Lot 202, or the southwesterly limit of the City of Chatham to the place of beginning, being the lands described

in By-law Number 3148 for the Corporation of the City of Chatham, be and the same are hereby annexed to the Municipality of the Corporation of the City of Chatham, but subject to any or all drainage rights now enjoyed by the Township of Dover, as applicable to the lands described.

AND THE BOARD DOTH FURTHER ORDER that the annexation shall take effect as of the 7th day of July, A.D. 1947.

AND THE BOARD FURTHER ORDERS that its Order dated the 2nd day of June, A.D. 1947, be and the same is hereby rescinded.

(Seal)

(Signed) W. P. NEAR,
Vice-Chairman.

SCHEDULE D

P.F. B-6101

THE ONTARIO MUNICIPAL BOARD

Monday, the Nineteenth day of January, A.D. 1948.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman,W. P. NEAR, ESQ., B.A.Sc.,
Vice-Chairman,W. J. MOORE, ESQ., O.L.S.,
Member, andR. H. YEATES, ESQ.,
Member.IN THE MATTER OF Section 23 of *The Municipal Act* (as re-enacted by O.S. 1939, Chapter 30), and as amended and re-enacted by *The Municipal Amendment Act, 1947*, and

IN THE MATTER OF an application by the Corporation of the City of Chatham for annexation thereto of that part of the Township of Raleigh described in Schedule "A" hereto, and

IN THE MATTER OF By-law Number 3163 of the said Applicant Corporation.

UPON THE APPLICATION of the Corporation of the City of Chatham and upon consideration of the material filed and the same having come on for hearing before this Board on the 27th day of March, 1947, and on the 5th day of January, 1948, at the Council Chambers in the City of Chatham pursuant to appointments and notices thereof as directed and upon hearing Counsel for the said Corporation and for certain interested property owners in support of and opposing the application and decision having been reserved until this day,

THE BOARD ORDERS, under and in pursuance of the provisions of Section 23 of *The Municipal Act* (as re-enacted by O.S. 1939, Chapter 30) and amended and re-enacted by *The Municipal Amendment Act, 1947*, that that part of the Township of Raleigh particularly described in Schedule "A" hereto, be and the same is hereby annexed to the Corporation of the City of Chatham.

AND THE BOARD ORDERS that its Order dated the 8th day of September, 1947, and registered in the Registry Office for the County of Kent as Number 32506, Book 52, be and the same is hereby rescinded and that the said Registration be cancelled.

(Seal)

(Signed) R. S. COLTER,
Chairman.

Schedule "A"

Firstly: The area, comprising parts of Lots Number 21 and 22, in the First or Front Concession on the River Thames, in the Township of Raleigh, described as follows: Commencing at the point of intersection of the northeasterly limit of said Lot Number 22 (said northeasterly limit being the limit between said Lot 22 and the adjacent Lot Number 23), and the northwesterly limit of the right-of-way of the Canadian Pacific Railway (formerly the Ontario and Quebec Railway); thence southwesterly, following the said northwesterly limit of said right-of-way to the southwesterly limit of that part of Lot 21, aforementioned, heretofore conveyed to John Keil by Registered Instrument Number 21883; thence southeasterly, following said last mentioned limit, to a point in the northwesterly limit of the Public Highway known as King's Highway Number 2; thence northeasterly, following said limit of King's Highway Number 2, to a point in the aforementioned northeasterly limit of said Lot 22; thence northwesterly, along said northeasterly limit of Lot 22, to the place of beginning.

Secondly: That portion of Lot Number 22, in the First or Front Concession on the River Thames, in the Township of Raleigh, described as follows: Commencing at the point of intersection of the northeasterly limit of Lot 22, aforesaid, and the southeasterly limit of the Public Highway known as King's Highway Number 2; thence southwesterly, along said limit of King's Highway Number 2, a distance of two hundred and sixty feet (260') to a point; thence southeasterly, along a line parallel with and distant two hundred and sixty feet (260') southwesterly, at right angles, from the said northeasterly limit of Lot 22, to a point therein distant northwesterly fifty feet (50') from the northwesterly limit of the right-of-way of the Canadian National Railway (formerly the Grand Trunk Railway); thence northeasterly, parallel with said limit of the Canadian National Railway, to the northeasterly limit of said Lot 22; thence northwesterly, along said northeasterly limit of Lot 22, to the place of beginning.

CHAPTER 107.

An Act respecting the Township of Dover.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the Township of Dover Preamble.
by its petition has represented that the operation of The Telephone System of the Municipality of the Township of Dover is no longer in the interests of the Corporation of the Township of Dover, or of the subscribers to the System; and whereas the Corporation has prayed for special legislation empowering it to sell and dispose of the System; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to section 101 of *The Telephone Act*, the Corporation of the Township of Dover may sell and dispose of The Telephone System of the Municipality of the Township of Dover to The Bell Telephone Company of Canada. Power to sell telephone system.
Rev. Stat., c. 261.

2. The bill of sale and every other contract, deed or other instrument requisite to such sale and disposition shall be under the seal of the Corporation of the Township of Dover, and signed by the reeve and clerk thereof. Execution of documents.

3. The bill of sale, when approved by the Ontario Municipal Board, executed as provided in section 2, and delivered to The Bell Telephone Company of Canada, shall vest in The Bell Telephone Company of Canada a good and valid title to the said System and to all assets acquired thereunder, freed and discharged from all charges, liens and encumbrances and from all claims of the subscribers of the said System, and The Bell Telephone Company of Canada shall not be bound to see to the application of the purchase money. Effect of sale.

4. The proceeds of such sale and disposition, after deducting therefrom all necessary legal costs and outstanding obligations of The Telephone System of the Municipality of the Township of Dover, shall be divided equally among the subscribers of the said System of record as of December 31, 1947, two or more Distribution of proceeds of sale.

owners of one property being counted as one for purposes of distribution.

Rev. Stat.,
c. 286
not appli-
cable.

5. *The Public Utilities Act* shall not apply to the sale and disposition hereby authorized.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Township of Dover Act, 1948.*

CHAPTER 108.

An Act respecting the Village of Forest Hill.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the Village of Forest Hill Preamble.
by its petition has prayed for special legislation in regard
to the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of the Corporation of the Village of Forest Hill may sell or otherwise dispose of such part of the land on the east side of Bathurst Street heretofore acquired for park purposes as is not, in the opinion of the council, required for municipal purposes. Authority to sell park lands on Bathurst Street.

2. Any moneys received from the sale of the said lands shall be applied as follows: Application of proceeds of sale.

- (a) First, for the payment of any outstanding instalments of principal and interest on debentures issued for the purpose of acquiring the said park;
- (b) Second, to pay to the present owner of any land charged with payment of debentures issued to pay for said park lands, an amount equal to the total payments levied and collected in respect to that land for payment of said debentures; and
- (c) Any balance may be applied toward the cost of any work constructed at the expense of the Corporation at large.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Village of Forest Hill Act, 1948.* Short title.

CHAPTER 109.

An Act respecting the Niagara Falls General Hospital Trust.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Niagara Falls General Hospital Trust Preamble.
by its petition has represented that the Trust was
incorporated by *The Niagara Falls General Hospital Trust* 1933, c. 89.
Act, 1933; and that it is desirable to change the name of the
corporation, and to make certain changes respecting the
membership of the corporation and the board of trustees of
the corporation; and whereas the petitioners have prayed for
special legislation to effect such purposes; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The corporate name of "Niagara Falls General Hos- Corporate
pital Trust" is hereby changed to "Greater Niagara General name
Hospital Trust", hereinafter called the corporation. changed.

2. All real and personal property, trusts, gifts, devises and Effect of
bequests which have been heretofore held by or made to or change of
shall hereafter be made to or in favour of or intended for, name.
together with all the rights, powers and privileges of the
Niagara Falls General Hospital Trust shall be held and
enjoyed by Greater Niagara General Hospital Trust.

3. Notwithstanding section 2 of *The Niagara Falls General* Constitution
Hospital Trust Act, 1933, Jennie H. Gray, Albert H. Frank, of the
John McCain, Hartley F. Upper, Eldridge T. Kellam, A. corporation.
Edward MacKenzie, Bertha Fielding, Laura Teckoe, William
Donald Bracken, James Barr, Theodore Smith and John
Logan, all of the City of Niagara Falls in the County of
Welland, and their successors in office, and the following *ex*
officio members, namely the mayor of the City of Niagara
Falls, the reeve of the Township of Stamford, the reeve of the
village of Chippawa, the warden of the County of Welland,
the president of the Women's Hospital Aid, and the president

of the Niagara Falls Medical Society, shall constitute the corporation.

Board of
Trustees.

4. Notwithstanding section 3 of *The Niagara Falls General Hospital Trust Act, 1933*, the persons hereinbefore named and their successors in office, and the *ex officio* members shall constitute the Board of Trustees of the corporation, hereinafter called the board.

Special
provisions.

5.—(1) The said Jennie H. Gray, Albert H. Frank, John McCain and Hartley F. Upper shall hold office until the annual meeting of the board to be held in 1949.

Idem.

(2) The said Eldridge T. Kellam, A. Edward MacKenzie, Bertha Fielding and Laura Teckoe shall hold office until the annual meeting of the board to be held in 1951.

Idem.

(3) The said William Donald Bracken, James Barr, Theodore Smith and John Logan shall hold office until the annual meeting of the board to be held in 1953.

1933, c. 89,
amended.

6. *The Niagara Falls General Hospital Trust Act, 1933*, is amended by adding thereto the following section:

Term of
office of
trustees.

3a. Each member of the board other than an *ex officio* member shall hold office for the term of six years from the date of his appointment, and shall not be eligible for re-appointment for a period of two years after the expiration of his term except when he was appointed to fill a vacancy of which the unexpired term did not exceed three years.

1933,
c. 89, s. 4,
re-enacted.

7. Section 4 of *The Niagara Falls General Hospital Trust Act, 1933*, is repealed and the following substituted therefor:

Vacancies.

4. Upon a vacancy occurring from any cause in the office of any of the board, other than an *ex officio* member, the board shall appoint his successor, and where the vacancy occurs from a cause other than the expiration of a term of office the successor shall be appointed only for the remainder of the term for which his predecessor was appointed.

1933,
c. 89, s. 11,
amended.

8. Section 11 of *The Niagara Falls General Hospital Trust Act, 1933*, is amended by adding at the end thereof the words "the township of Stamford and the village of Chippawa."

Short title.

9. This Act may be cited as *The Greater Niagara General Hospital Trust Act, 1948*.

CHAPTER 110.

An Act respecting The Hamilton St. Andrew's
Benevolent Society.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS The Hamilton St. Andrew's Benevolent ^{Preamble.}
Society by its petition has represented that it was
instituted on the 29th day of December, 1835, for the purpose
of affording assistance to Scotchmen and their descendants,
especially immigrants who might be in want of pecuniary or
other aid; that on the 15th day of December, 1922, there was
conveyed to the Trustees of The Hamilton St. Andrew's
Benevolent Society, certain lands in trust for the said Trustees,
their successors and assigns to hold the said lands for the sole
use and benefit of the said Society for the site of a hall or
meeting place in which to promote and carry on the object
and work of the Society; that the Society has never built
upon the said lands and the character of the neighbourhood
has so changed that it is now undesirable to use the said lands
for the aforesaid purpose; that it was moved and seconded
and unanimously carried at the annual meeting of the Society
held in the said City of Hamilton on the 30th day of October,
1947, that the said lands be sold and the proceeds held in
trust by the Trustees for the purpose of purchasing another
site; and whereas the petitioner has prayed for special legis-
lation to effect the purposes of the said resolution and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Trustees of The Hamilton St. Andrew's Benevolent ^{Trustees}
Society are hereby authorized to sell, free from the aforesaid ^{authorized}
trusts: ^{to sell}
^{lands.}

The lands and premises described as being in the said City of
Hamilton, in the County of Wentworth, being Town Lot Number
Three situate on the east side of Hughson Street, and between
Cannon (formerly Henry) and Gore Streets in the said City of
Hamilton, and may be known as follows, that is to say: Com-
mencing at the northwest angle of the said Lot; thence south
seventy-two degrees, east two chains and six links more or less
to within twelve feet of the northeast angle; thence south
twenty-seven degrees east seventeen feet more or less to twelve

feet south of the said northeast angle on a course south eighteen degrees west; thence on the same course ninety links more or less to the southeast angle of the said Lot; thence north seventy-two degrees west one chain and sixty-four links more or less to the brick houses on Lots Numbers Two and Three; thence north eighteen degrees east, twenty inches more or less to the south end wall of brick house on said Lot Number Three; thence north seventy-two degrees west forty feet more or less along the south side of said south end wall to Hughson Street; thence north eighteen degrees east one chain five and a half links more or less to the place of beginning,

and shall hold the proceeds of the sale in trust for the purpose of purchasing lands for the sole use and benefit of the said Society for the site of a hall or meeting place in which to promote and carry on the object and work of the said Society.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Hamilton St. Andrew's Benevolent Society Act, 1948.*

CHAPTER 111.

An Act respecting the City of Kingston.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of Kingston Preamble.
by its petition has prayed for special legislation in
respect of the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Public Utilities Commission of the City of Kingston, Public
Utilities
Commission
may pay for
municipal
services.
which is exempt or partially exempt from taxation, may
agree to pay for any municipal services rendered by the
Corporation of the City of Kingston.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The City of Kingston Act, 1948.* Short title.

CHAPTER 112.

An Act respecting Knox College.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS Knox College by its petition has represented Preamble.
that it was incorporated by an Act entitled *An Act to* 1858, c. 69.
incorporate Knox College, being chapter 69 of the Statutes
of the Province of Canada, 1858; that certain powers to confer
degrees in theology were given to Knox College by an Act
entitled *An Act to amend the Act to incorporate Knox College*, 1881, c. 82.
being chapter 82 of the Statutes of Ontario, 1881, and an
Act entitled *An Act to amend the Act Incorporating Knox* 1897, c. 102.
College, being chapter 102 of the Statutes of Ontario, 1897;
and that it is desirable that its powers of granting degrees in
theology should be enlarged so that it will have power similar
to that of other religious institutions of learning to grant such
degrees in theology as it may from time to time deem meet;
and whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Act entitled *An Act to amend the Act to incorporate* 1881, c. 82;
1897, c. 102,
repealed.
Knox College, being chapter 82 of the Statutes of Ontario,
1881, and the Act entitled *An Act to amend the Act Incorporating*
Knox College, being chapter 102 of the Statutes of Ontario,
1897, are repealed.

2. The Senate of Knox College shall have power to grant Senate em-
powered to
grant
degrees in
theology.
degrees in theology, including honorary degrees in theology,
to such persons as the Senate shall determine to be possessed
of the necessary qualifications, subject to such examinations
or otherwise as may from time to time be prescribed by by-law
of the Senate.

3. This Act may be cited as *The Knox College Act, 1948.* Short title.

CHAPTER 113.

An Act to set aside the Laing Marriage Settlement Trust Deed.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS by Marriage Settlement Trust Deed dated ^{Preamble} the 24th day of August, 1915, as amended by Indenture of Agreement dated the 26th day of February, 1920, Mary Brodie MacWatt (now Mary Brodie Laing) in contemplation of marriage voluntarily granted and conveyed to Trustees certain shares of stocks and mortgages of realty belonging to her, upon the trusts therein set forth; and whereas the Trustees under the said Marriage Settlement have changed from time to time and the Public Trustee is now seized as Trustee under the said Marriage Settlement of all the moneys and trust property and the same are held by him in accordance with the terms and conditions of the said Marriage Settlement; and whereas by virtue of the provisions of the said Marriage Settlement the said Mary Brodie Laing has the absolute right of disposing of the trust property by will irrespective of any issue she might have had and in the event of her dying without leaving a will, then such trust property is to be distributed among her issue, if any, and if no issue, then to be distributed according to the rules of *The Devolu-* <sup>Rev. Stat.,
c. 163.</sup> *tion of Estates Act*; and whereas the said Mary Brodie Laing is a widow of 71 years of age and has never had any children and is wholly incapable of conceiving a child; and whereas Jean Elsa Poole, a widow of 65 years of age without children, is a sister of the said Mary Brodie Laing and her next of kin and if the said Mary Brodie Laing should predecease her and leave no will, the said Jean Elsa Poole would be entitled to receive the whole of the said trust property provided for in the said Marriage Settlement; and whereas the said Mary Brodie Laing and the said Jean Elsa Poole by their petition have made it appear that having regard to conditions as they now exist there is no legal or equitable justification for the continuance of the said Marriage Settlement and have prayed that the said Marriage Settlement should be terminated and the trust property now vested in the Public Trustee should be transferred outright to the said Mary Brodie Laing, such trust property being now and at all times her own personal property

subject to the trusts in the said Marriage Settlement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Marriage
Settlement
set aside.

1. The said Marriage Settlement Trust Deed dated the 24th day of August, 1915, as amended by the said Agreement dated the 26th day of February, 1920, is hereby set aside and declared to be void for all intents and purposes on and after the day upon which this Act comes into force.

Transfer
of trust
funds.

2. The Public Trustee is hereby directed and authorized to forthwith assign, transfer and set over unto the said Mary Brodie Laing all moneys and property under the said Marriage Settlement Trust Deed which he now holds as Trustee, less such compensation as may be found due on the passing of the trust accounts by a Master of the Supreme Court of Ontario who is hereby designated to pass such accounts and fix such compensation, and upon the Public Trustee so doing he shall be relieved and discharged of all further responsibilities in, to and concerning this said trust property or otherwise.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Laing Marriage Settlement Act, 1948*.

CHAPTER 114.

An Act respecting the City of London.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of London by Preamble.
its petition has prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsection 1 of section 4 of *The City of London Act, 1947, c. 133,*
1947, is amended by striking out all the words after the word s. 4, subs. 1,
amended.
“taxes” in the ninth line and inserting in lieu thereof the words
“in each of the five years commencing with and following the
year in which the approval of the Ontario Municipal Board is
obtained”.

2. The agreement made between the Corporation of the Agreement
confirmed.
City of London and George Marshall, dated the 18th day of
February, 1948, set out as Schedule A hereto, is ratified and
confirmed and declared to be legal, valid and binding upon the
said George Marshall, the said Corporation and the ratepayers
thereof, and the said Corporation is authorized and empowered
to carry out the terms thereof.

3. Section 7 of *The City of London Act, 1934,* is repealed 1934,
c. 82, s. 7,
re-enacted.
and the following substituted therefor:

7.—(1) The income from the War Memorial Children's Application
of income
from en-
dowment
funds of
Children's
Hospital.
Hospital Endowment Fund shall be paid by the said
corporation annually to the said board of hospital
trustees to defray operating costs, for needed capital
expenditures of the said War Memorial Children's
Hospital (the erection of which as a war memorial was
the result of the efforts of the Women's Committee)
enlargements and additions thereto and buildings
used in conjunction therewith, or any other expendi-
tures solely in connection with or for the benefit of
the said hospital, enlargements and additions thereto,
and buildings used in conjunction therewith.

Disposal of
unexpended
income of
endowment
funds of
Children's
Hospital.

- (2) The Corporation of the City of London is hereby authorized and directed to pay to the said board of hospital trustees, for the purposes referred to in subsection 1, that part of the War Memorial Children's Hospital Endowment Fund which represents income of the fund not expended in the year in which the same accrued, and all unexpended income.

1887,
c. 58, s. 3,
subs. 3,
amended.

4.—(1) Subsection 3 of section 3 of *An Act respecting the General Hospital of the City of London*, being chapter 58 of the Statutes of Ontario, 1887, as amended by subsection 2 of section 4 of *The City of London Act, 1938*, is further amended by inserting after the word "nomination" in the fourth line the word "qualification".

1887,
c. 58, s. 5,
re-enacted.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Filling
vacancies.

5. In the case of a vacancy on the Board for any cause other than the expiration of the term for which a member was appointed or elected, the vacancy shall be filled for the remainder of the term of such member, in the manner following:

- (a) If the vacancy is that of a member appointed by either the trustees of the estates of the late Dr. Harry Meek and Mrs. Mary E. Meek or the county council of the County of Middlesex, the Corporation of the City of London shall, by notice in writing, forwarded by registered post, addressed to the authority appointing such member, notify such authority of the vacancy, and if the authority does not, within fifteen days of the mailing of the notice, appoint a member to fill the vacancy and notify the council of the said Corporation thereof, the council of the said Corporation shall appoint a person to fill such vacancy;
- (b) If the vacancy is that of a member appointed by the Lieutenant-Governor in Council, the Lieutenant-Governor in Council may appoint a person to fill the vacancy;
- (c) If the vacancy is that of a member elected by the municipal electors of the City of London the council of the said Corporation shall appoint a person to fill the vacancy.

Powers of
Corporation
re hospitals.

5. The Corporation of the City of London has heretofore been authorized and empowered, and is authorized and

empowered, subject to the provisions of the said *An Act*<sup>1887.
c. 58.</sup> *respecting the General Hospital of the City of London* and amendments thereto, and *The Public Hospitals Act*, to establish, erect, equip, maintain, conduct, administer and develop hospitals in the City of London and services ancillary thereto and in conjunction therewith, and for such purposes to purchase, acquire, receive by way of gift, bequest or devise, and hold, possess and enjoy property, both real and personal.

6. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commence-
ment of Act.</sup>

7. This Act may be cited as *The City of London Act, 1948*. ^{Short title.}

SCHEDULE A

THIS AGREEMENT made (in duplicate) the 18th day of February, A.D. 1948.

BETWEEN:

GEORGE MARSHALL, of the City of London, in the County of Middlesex, Retired Fireman,

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF LONDON,

OF THE SECOND PART.

WHEREAS the party of the First Part claims to be entitled to recover from the party of the Second Part compensation for injuries received in or about the month of March, 1945, while engaged in his duties as a fireman of the Fire Department of the City of London;

AND WHEREAS the party of the Second Part denies liability, but for the sake of peace and to avoid litigation, the parties hereto have agreed to the settlement of the claim of the party of the First Part in the manner hereinafter set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows, that is to say:

1. The party of the First Part shall be retired from his duties as fireman of the Fire Department of the City of London as and from the 31st day of December, 1947.

2. The party of the Second Part will pay to the party of the First Part, so long as he is totally incapacitated from the condition from which he now suffers, namely: amyotrophic lateral sclerosis, monthly and every month during his lifetime, and while so totally incapacitated, a one-twelfth part of two-thirds of his 1947 salary as fireman as aforesaid, and a one-twelfth part of two-thirds of his cost of living bonus for 1947 as fireman as aforesaid, which said sums shall be paid semi-monthly on the 15th and last days of each month, commencing on the 15th day of January, 1948.

3. If the death of the party of the First Part shall be attributed to the said amyotrophic lateral sclerosis, and if Euphemia Marshall, the wife of the said party of the First Part, shall survive him, the party of the Second Part shall pay to her the sum of \$50.00 on the last day of each month until her death or until she shall re-marry, whichever event shall first happen; the first of such payments to be made at the end of the month in which the death of the party of the First Part occurs.

4. If the death of the party of the First Part shall be attributed to the said amyotrophic lateral sclerosis, and the party of the First Part shall be survived by Thomas Danny Marshall and/or Lionel James Marshall, his children, and they or either of them shall be under the age of eighteen years, the party of the Second Part shall pay to the said Euphemia Marshall, or pay for the care and maintenance of each such child or children, but only while under the age of sixteen years, the sum of \$12.00 per month, commencing at the end of the month in which the death of the party of the First Part occurs, and continuing monthly thereafter until each such child shall respectively attain the age of sixteen years, or dies, whichever event shall first happen, provided that such payments shall be continued while each such child shall attend High School or Technical School and be under the age of eighteen years, but not thereafter.

5. The party of the Second Part shall, so long as the party of the First Part suffers from the said amyotrophic lateral sclerosis, pay for such treatment and hospitalization as the party of the First Part may necessarily

require, subject to the treatment and hospitalization being limited to that obtainable within the Province of Ontario. The party of the First Part shall, at all reasonable times, submit to an examination by duly qualified medical practitioners, acting on behalf of the party of the Second Part, and give all assistance and co-operation as such practitioners may require, to enable them to fully report on the condition of the party of the First Part. The party of the First Part agrees that if in the event of his death the party of the Second Part shall require evidence of its cause, all examinations may be held as may be requested by the party of the Second Part to determine such cause.

6. The party of the First Part releases, acquits and forever discharges the party of the Second Part, its successors and assigns, of and from all claims, demands, actions and causes of action which he may now have or at any time hereafter have, for or by reason, or on account of any matter or thing to the day of the date of these presents, save as herein specifically provided.

7. This agreement shall not come into force or take effect, or be binding upon the parties hereto unless and until the part of the Second Part shall be authorized and empowered by Act of the Legislature of Ontario to enter into such agreement, and upon such authorization and power being granted and becoming effective, the said agreement shall come into force and take effect as of the 1st day of January, 1948.

IN WITNESS WHEREOF the party of the First Part has hereunto set his hand and seal and the party of the Second Part has hereunto caused to be affixed its corporate seal attested by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED

In the presence of

(Sgd.) ELEANOR A. GROVER.

(Sgd.) GEORGE G. MARSHALL

(Seal)

THE CORPORATION OF THE CITY OF
LONDON.

(Seal)

By G. A. WENIGE,
Mayor.

R. H. COOPER,
Clerk.

CHAPTER 115.

An Act respecting the Town of New Toronto.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the Town of New Toronto Preamble.
by its petition has prayed for special legislation enabling it to establish a pension plan for its employees and the employees of any board in the Town; and whereas the question of establishing such a plan has been favourably voted upon by the ratepayers in the Town; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Board, by-laws may be passed by the council of the Town of New Toronto for providing pensions for the employees of the Town or any board thereof, or any class of employees, and their wives and children. Power to establish pension scheme.

(2) "Board" shall include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or other local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the municipality or any portion thereof. "Board", defined.

2. Subsection 1 of section 307 of *The Municipal Act* shall not apply to any by-law passed under this Act or any debt incurred thereby. Rev. Stat., c. 266, s. 307, subs. 1 not to apply.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Town of New Toronto Act, 1948.* Short title.

CHAPTER 116.

An Act respecting the City of Niagara Falls.

*Assented to March 31st, 1948.**Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of Niagara Falls, Preamble.
 hereinafter called the "Corporation", by its petition
 has represented that it has entered into an agreement with
 The Niagara, St. Catharines and Toronto Railway Company
 respecting the granting of a franchise for the operation of a
 transportation system by buses; that the agreement was, on
 the 1st day of December, 1947, submitted to the municipal
 electors of the said City when 3,203 voted in favour of and 840
 against it; and that it is desirable and in the interests of the
 Corporation that the agreement and the by-law authorizing
 it should be validated and confirmed and that the Corporation
 should be empowered to carry out the terms of the agreement;
 and whereas the petitioner has prayed that an Act may be
 passed for such purposes; and whereas it is expedient to grant
 the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1.—(1) The by-law and the agreement forming part thereof, Bus franchise validated.
 set forth as Schedule A hereto, are confirmed and declared
 to be legal, valid and binding in the same manner and to the
 same extent as if set out at length and the provisions thereof
 enacted in this Act, and the Corporation is hereby authorized
 and empowered to pass such other by-laws and enter into such
 other agreements and do all such other acts, matters and things
 as may be deemed necessary by the Corporation for the full
 and proper carrying out of the provisions of the said agreement.

(2) Nothing in the said by-law or in any agreement entered Dept. of Highways' powers not affected.
 into pursuant thereto shall be construed as affecting the powers
 conferred on the Department of Highways by *The Public*
Vehicle Act and the Niagara Parks Commission under *The* Rev. Stat., cc. 289, 93.
Niagara Parks Act.

2. In the event of The Niagara, St. Catharines and Toronto Purchase of system by City.
 Railway Company failing to renew the agreement or surren-
 dering it, the Corporation is authorized and empowered to

purchase the property both real and personal used by the Railway in the operation of the transportation system under the terms of the agreement; provided always that the said purchase shall not be made unless and until a by-law setting forth the terms of the purchase has been submitted to and has received the assent of the electors of the said City qualified to vote on money by-laws as provided by *The Municipal Act*.

Rev. Stat.,
c. 266.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Niagara Falls Act, 1948*.

SCHEDULE A

BY-LAW NUMBER 4152

To authorize the certain agreement dated the 30th September, A.D. 1947, between the Corporation of the City of Niagara Falls and The Niagara, St. Catharines and Toronto Railway Company granting to The Niagara, St. Catharines and Toronto Railway Company the rights, privileges and franchises upon and subject to the terms and conditions in the said agreement mentioned.

WHEREAS The Niagara, St. Catharines and Toronto Railway Company is duly incorporated under the laws of the Dominion of Canada;

NOW THEREFORE the Municipal Council of the Corporation of the City of Niagara Falls enacts as follows:

1. The Mayor and Clerk of the City of Niagara Falls are hereby authorized, instructed and directed to execute the agreement set forth in Schedule 1 hereto, which is hereby incorporated in and made a part of this by-law, to attach the seal of the Corporation thereto and forthwith thereafter to deliver the same to The Niagara, St. Catharines and Toronto Railway Company.

2. This by-law shall take effect on the day of passing thereof, subject to its being assented to by the municipal electors.

3. The Mayor, Clerk, Solicitor and Manager and other municipal officers of the City of Niagara Falls are hereby authorized and instructed to take such steps and proceedings and do such things as may be reasonably requested by the Railway to procure the passing of an Act of the Legislature of the Province of Ontario approving and validating this by-law and the said agreement, and granting to the Municipal Corporation of the City of Niagara Falls all necessary and incidental powers to enable said Corporation to carry out and do all things to be carried out and done by it under the said agreement.

READ a third time and passed in Council this 22nd day of December, A.D. 1947.

D. C. PATTEN,
Clerk.

W. L. HOUCK,
Mayor.

Schedule 1

THIS INDENTURE made in triplicate this Thirtieth day of September, A.D. 1947.

BETWEEN:

THE CORPORATION OF THE CITY OF NIAGARA FALLS,
hereinafter called the "Corporation",

OF THE FIRST PART,

—and—

THE NIAGARA, ST. CATHARINES AND TORONTO RAILWAY
COMPANY, hereinafter called the "Railway",

OF THE SECOND PART.

WHEREAS under a certain Indenture made the First day of January, One Thousand Nine Hundred and Twenty-four, between Canadian National Electric Railways and The Corporation of the City of Niagara Falls, the Corporation granted to the Canadian National Electric Railways, for a term of twenty (20) years from the First day of January, One Thousand Nine Hundred and Twenty-four, or until the termination thereof as in the said indenture provided, the exclusive right, franchise and privilege to construct, reconstruct, maintain, lease, use, own and operate a transportation system;

AND WHEREAS by Indenture dated the Nineteenth day of December, One Thousand Nine Hundred and Twenty-eight, Canadian National Electric Railways assigned unto the Railway the above recited Indenture and the franchises, rights, powers and privileges thereby granted and all benefits and advantages to be derived therefrom;

AND WHEREAS the Corporation has requested the Railway to replace the present street car system with buses and the Railway has agreed thereto on the terms and conditions hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that for valuable consideration the parties hereto covenant and agree as follows:

1. The Railway agrees to operate a transportation system by motor buses within the limits of the Corporation upon the terms and conditions hereinafter set forth.

2. The Railway shall provide and use suitable modern equipment and it will have available at least sixteen (16) buses for use in the Corporation.

3. The Corporation hereby grants to the Railway for the term of fifteen (15) years from the date this Agreement becomes effective or until the sooner termination thereof by the Railway as hereinafter provided, the exclusive right, franchise, and privilege to own and operate a transportation system by means of motor buses within the limits of the Corporation and for the said purpose to use and occupy the streets of the Corporation and to operate thereon, motor buses; provided that if the Railway desires to renew this Agreement for a further period of fifteen (15) years it may renew the same by serving on the Corporation a notice in writing of its intention to do so at any time not less than six (6) months prior to the expiration of the term hereby granted;

PROVIDED FURTHER that should the Railway sustain a loss in operation for two (2) years in succession, it will have the right to surrender this Agreement upon giving to the Corporation one year's notice in writing of its intention to do so and in such event the Corporation shall have the right to purchase the property, both real and personal, used by the Railway in the operation of this transportation system, except such property as may be required by the Railway for use of its transportation service outside the Corporation. Upon giving such notice the Railway will furnish the Corporation with an inventory of the said real and personal

property which the Corporation shall be entitled to purchase. The value of such property shall be agreed upon between the parties and in default of agreement the value thereof shall be fixed by arbitration under *The Arbitration Act*, R.S.O. 1937, Chapter 109, by reference to two arbitrators, one to be appointed by each party.

4. The routes to be followed by the motor buses, operated by the Railway, will be determined from time to time by the Superintendent of the Railway after consultation with the Traffic Committee of the Corporation, provided that if, at any time, the Corporation is not satisfied with the decision of the Superintendent, it may submit the matter of routes for a decision by arbitration under *The Arbitration Act*, R.S.O. 1937, Chapter 109, by reference to two arbitrators, one to be appointed by each party, to determine the changes, if any, that should be made in the route of the said buses. The arbitrators shall not order any change of route if the same shall impair the then existing or future ability of the Railway to earn a profit on the operation of the route in question.

5. The Railway may charge the following fares between points within the limits of the Corporation:

ADULTS:	
Cash.....	10c
Tickets.....	4 for 25c
CHILDREN:	
Cash.....	4c
Tickets.....	7 for 25c
SCHOOL CHILDREN:	
Cash.....	4c
Tickets.....	7 for 25c

The rate of fares for children, other than school children, shall apply to any child fifty-one (51) inches in height or less; and no child, other than an infant-in-arms, shall be carried free.

PROVIDED that if at any time after the operation of buses for one (1) year the Railway is unable to make a profit on the operations, then it may increase the fares to an amount sufficient to enable it to earn a net profit of six per cent (6%) per annum on the capital investment in this transportation system after deduction of maintenance and operating expenses, taxes and depreciation.

PROVIDED FURTHER that if the Railway exercises its right to renew this Agreement under the provisions of Paragraph three (3) hereof the fares for each year thereafter shall be determined by agreement between the Railway and the Corporation at the beginning of each year. In determining the fares to be charged by the Railway for each year the parties will endeavour to agree upon a fare which will yield to the Railway a net profit not exceeding ten per cent (10%) on its capital invested in this transportation system after deduction of maintenance and operating expenses, taxes and depreciation.

6. Policemen in the employment of the Corporation when on duty and in uniform shall be carried by the Railway free of charge.

7. The Railway will keep a separate accounting system for the operation of the transportation system in the Corporation which will show all revenues received from the operations within the Corporation and all expenses in connection therewith.

Whenever a change of fares is contemplated, the auditor of the Corporation shall have the right to inspect the books of the Railway for the purpose of ascertaining the amount of profit or loss on the operations in question.

8. The Railway will pay the Corporation the sum of Two Thousand Five Hundred Dollars (\$2,500.00) per annum in lieu of all taxes which may be levied by the Corporation on any property of the Railway in the Corporation, including the operation by the Railway of interurban bus

lines into the Corporation; and the Corporation covenants and agrees to accept the sum of Two Thousand Five Hundred Dollars (\$2,500.00) per annum in lieu of all taxes of every nature whatsoever, including, without limiting the generality of the foregoing, school and business taxes and local improvements.

PROVIDED that it is understood and agreed that any additional real estate acquired by the Railway within the limits of the Corporation after the date of this Agreement, including any buildings thereon or hereafter erected thereon, shall be taxable in the usual manner in addition to the said sum paid in lieu of all taxes as hereinbefore provided.

9. The Corporation agrees to remove snow from the streets upon which the buses are operated, without cost to the Railway.

10. The Railway hereby transfers to the Corporation all its right, title and interest in the rails on the streets of the Corporation which have been used in connection with the local lines of the Street Railway System and the Corporation hereby relieves the Railway from all obligations to repair or maintain any portion of the streets of the Corporation. The Corporation will indemnify the Railway against all liability in respect thereof.

11. The Railway agrees to remove from the streets of the Corporation all poles and wires used in connection with the Street Railway System, with the exception of those poles known as "Bates poles" on Victoria Avenue, which the Railway hereby transfers to the Corporation, and the Corporation agrees to accept the same and to grant to the Railway the right to construct and maintain thereon two (2) telephone wires with necessary attachments.

12. During the term of this Agreement or any extension or renewal thereof, the Corporation shall not give or grant, or permit to be granted to any other person or corporation any right, privilege, license or franchise to operate within the Corporation any bus, jitney, or other vehicle for the purpose of transportation which in any way depreciates the rights, privileges and franchises hereby granted or which shall or may come into competition with the transportation system of the Railway.

In no case shall such bus, jitney or other vehicle be permitted to take on passengers within the Corporation and discharge such passengers within the Corporation.

Nothing herein contained shall apply to vehicles such as automobiles, cabs or taxi-cabs hired for special trips and having a maximum rated carrying capacity not exceeding seven (7) passengers.

13. Notwithstanding anything herein contained, should the Railway by reason of strikes, riots, act of God or the public enemies, or from any other cause, fail to operate any portion of the said transportation system, the Corporation may grant or permit to be granted to some person, partnership, company or corporation the right to operate buses, jitneys or other vehicles for the transportation of passengers over such portion as long as such failure continues.

14. The Council of the Corporation will submit a by-law setting forth the terms of this Agreement to the Municipal Electors of the Corporation for their assent. After the Municipal Electors have assented to the said by-law, the Corporation agrees to do everything necessary to obtain the ratification of this Agreement and the said by-law forthwith by Act of the Legislative Assembly of the Province of Ontario.

15. The Corporation shall from time to time pass such by-laws, take such action and do such things as may be reasonably requested by the Railway for the purpose of fully effectuating the objects and intent of this Agreement and more particularly, such by-laws as the Railway may

request and as the Corporation may lawfully pass to enable the Railway to exercise the exclusive right to carry passengers for hire within the Corporation as hereinbefore provided.

16. In the event of the Railway entering into an Agreement with the Corporation of the Township of Stamford for the transportation of passengers within the Township and between the Township and the Corporation of the City of Niagara Falls, the Corporation grants to the Railway insofar as it legally may do so, the exclusive right to transport passengers between the Corporation and the Township of Stamford.

The Railway may charge for the transportation of passengers between the Corporation and the Township of Stamford such fares as may be agreed upon from time to time between the Railway and the Township of Stamford; provided that such fares shall not be less than those charged for transportation within the limits of the Corporation.

17. The Corporation agrees to support any applications which the Railway may make for such authority as may be necessary to enable the Railway to transport passengers between the Corporation and the Township of Stamford.

18. This Agreement shall take effect when the by-law authorizing the execution thereof has been assented to by the Municipal Electors and the said by-law and this Agreement have been approved and validated by an Act of the Legislature of the Province of Ontario.

19. Upon the coming into effect of this Agreement the hereinbefore recited Agreement dated the First day of January, One Thousand Nine Hundred and Twenty-four shall be terminated and each of the parties thereto shall be relieved of all obligations thereunder.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals attested by the proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the presence of:

MURIEL L. ROBINSON.

THE CORPORATION OF THE CITY OF
NIAGARA FALLS

W. L. HOUCK,
Mayor.
(Seal)

D. C. PATTEN,
Clerk.

THE NIAGARA, ST. CATHARINES AND
TORONTO RAILWAY COMPANY

N. B. WALTON,
Vice-President.

W. H. HOBBS,
Secretary.
(Seal)

CHAPTER 117.

An Act respecting the City of Ottawa.

Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.

WHEREAS the Corporation of the City of Ottawa by Preamble.
 its petition has prayed for special legislation to amend
The Ottawa City Transportation Act, being chapter 132 of the 1920, c. 132.
 Statutes of Ontario, 1920, to confirm an agreement dated the
 29th day of December, 1947, between the Corporation and
 The Ottawa Electric Railway Company, to declare the said
 agreement legal, valid and binding upon the parties and to
 empower the parties to carry out their respective obligations
 and exercise their respective privileges thereunder, and to
 amend *The City of Ottawa Act, 1941*; and whereas it is expedient 1941, c. 72.
 to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Clause *b* of section 1 of *The Ottawa City Transportation* 1920, c. 132,
Act is amended by striking out the word "City" in the first s. 1, cl. b,
 line, so that the said clause shall now read as follows: amended.

(b) "Commission" shall mean the Ottawa Transportation
 Commission.

2.—(1) Subsection 1 of section 2 of *The Ottawa City Trans-* 1920, c. 132,
portation Act is repealed and the following substituted there- s. 2, subs. 1,
 for: re-enacted.

(1) The Council may establish by by-law a commission Establish-
 under the name of Ottawa Transportation Com- ment of
 mission. transporta-
tion com-
mission.

(2) Subsection 2 of the said section 2 is amended by striking 1920, c. 132,
 out the word "Such" in the first line and inserting in lieu s. 2, subs. 2,
 thereof the word "The", and by striking out the words "an amended.
 elector" in the third line and inserting in lieu thereof the words
 "a ratepayer", so that the said subsection shall now read as
 follows:

(2) The Commission shall be a body corporate, and shall How
 consist of three members, each of whom shall be a composed.
 resident, and a ratepayer, of the City of Ottawa.

1920, c. 132,
s. 2, subs. 8,
amended.

(3) Subsection 8 of the said section 2 is amended by striking out the words "an elector" in the third line and inserting in lieu thereof the words "a ratepayer", so that the said subsection shall now read as follows:

Members
eligible for
re-appoint-
ment.

(8) A member of the Commission shall, on the expiration of his term of office, be eligible to be reappointed thereto, provided he then is a resident and a ratepayer of the City of Ottawa, and is not otherwise disqualified."

1920, c. 132,
s. 2, subs. 9,
re-enacted.

(4) Subsection 9 of the said section 2 is repealed and the following substituted therefor:

Payment of
members.

(9) The members of the Commission may be paid such salary or other remuneration as may be fixed by by-law of the Council.

1920, c. 132,
s. 3, re-
enacted.

3. Section 3 of *The Ottawa City Transportation Act* is repealed and the following substituted therefor:

Control and
management
of property
of Com-
pany when
acquired.

3. Upon and after the acquisition by the Corporation of the whole or part of the transportation system of the Company and of the real and personal property used in connection therewith, the Commission shall have the control, operation and management thereof, and of all extensions and additions thereto.

1920, c. 132,
s. 4,
amended.

4. Section 4 of *The Ottawa City Transportation Act* is amended by inserting after the word "railways" in the fifth line the words "and of any other means or system of local transportation worked by any power except steam", and by striking out the word "railway" in the last line and inserting in lieu thereof the words "transportation system", so that the said section shall now read as follows:

Commission
to have
powers of
Corporation.

4. Except as in this Act is otherwise provided, the Commission shall possess, and may exercise, all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of street railways, and of any other means or system of local transportation worked by any power except steam, heretofore or hereafter conferred upon, or exercisable by, the Corporation, provided that the Commission shall not have power to borrow money upon debentures of the Corporation, or by way of mortgage, chattel mortgage or fixed charge upon the plant, rolling stock, equipment, real and personal property of the transportation system.

5.—(1) Clause *a* of section 5 of *The Ottawa City Transportation Act* is repealed and the following substituted therefor: 1920, c. 132, s. 5, cl. *a*, re-enacted.

- (a) To construct, establish, equip, alter, extend, maintain and operate a surface, underground or overhead railway, tramway, bus system and any other means or system of local transportation worked by any power except steam, including such rails, ties, poles, wires and works of every description as may be necessary or convenient, upon, along, across, under and over the streets and public places of the City of Ottawa, and upon, along, across, under and over such streets, highways and public places of municipalities in the Province of Ontario adjacent to the City of Ottawa as were occupied or used by any part of the transportation system of the Company or any of the rails, ties, poles, wires or works thereof on the 1st day of November, 1947, and upon, along, across, under and over such other streets, highways and public places of municipalities in the Province of Ontario, adjacent to the City of Ottawa, and upon, along, across, under and over such streets and public places in the City of Hull in the Province of Quebec as the Commission or the Corporation may at any time be authorized to use by the councils of such municipalities or by the council of the City of Hull respectively, and upon, along, across, under and over all lands and rights-of-way in the City of Ottawa and in municipalities in the Province of Ontario adjacent to the City of Ottawa, and in the City of Hull, owned, acquired or leased by the Corporation or by the Commission, provided that nothing herein shall confer upon the Commission the right to exercise any of the said powers within the Province of Quebec unless and until it has been authorized so to do either by the Parliament of Canada or by the Legislature of such Province. Construction and operation of railway, etc.

(2) Clause *b* of the said section 5 is amended by striking out the words "railway of the Ottawa Electric Railway" in the fourth and fifth lines and inserting in lieu thereof the words "transportation system of the", so that the said clause shall now read as follows: 1920, c. 132, s. 5, cl. *b*, amended.

- (b) To purchase, lease, acquire and use rolling stock, plant, equipment, real or personal property upon, or in connection with the whole or such part of the transportation system of the Company as is, or is proposed to be, acquired by the Corporation, or upon, or in connection with, any other railway, tramway or other means or system of local trans- Purchase of rolling stock, etc.

portation constructed or acquired or proposed to be constructed or acquired by the Corporation, and to enter into all contracts necessary or expedient for such purposes.

1920, c. 132,
s. 5, cls. *d*, *f*,
amended.

(3) Clauses *d* and *f* of the said section 5 are amended by striking out the word "railway" wherever it occurs in the said clauses and inserting in lieu thereof the words "transportation system".

1920, c. 132,
s. 5,
amended.

(4) The said section 5 is further amended by adding thereto the following clauses:

Power to
operate
public
vehicles.

Rev. Stat.,
c. 289.

(g) To operate public vehicles of any one or more of the classes or for any one or more of the purposes referred to in *The Public Vehicle Act* or in the regulations thereunder, the operation of which is not authorized by clause *a*, on any route or routes between the City of Ottawa and any place outside the City of Ottawa or between any place in any municipality adjacent to the City of Ottawa and any place outside such adjacent municipality.

Agreement
as to taxa-
tion.

(h) To enter into an agreement with the Corporation for the payment to the Corporation annually, in addition to the municipal taxes which the Commission is required by law to pay, of all or part of the municipal taxes which the Commission is exempt from paying, and such mileage fees as may be agreed upon by the Commission and the Corporation.

1920, c. 132,
ss. 6, 7, 12,
13, 14, 21,
amended.

6. Sections 6, 7, 12, 13, 14 and 21 of *The Ottawa City Transportation Act* are amended by striking out the word "railway" wherever it occurs in the said sections and inserting in lieu thereof the words "transportation system".

1920, c. 132,
s. 9, re-
enacted.

7. Section 9 of *The Ottawa City Transportation Act* is repealed and the following substituted therefor:

Financial
reports to
Council.

9. The Commission shall prepare and deliver to the Council, on or before the 15th day of March in each year,—

(a) a financial statement of its affairs during the preceding fiscal year ending the 31st day of December, which shall include a statement of revenue and expenditure, and relative balance sheets;

(b) a report of its operations during such year; and

(c) an estimate of its expenditures and revenue on operating account and expenditures on capital account during the then current year.

8. Section 10 of *The Ottawa City Transportation Act* is re-<sup>1920, c. 132,
s. 10, re-
enacted.</sup>
pealed and the following substituted therefor:

10. The Commission shall, from time to time, pay over <sup>Payment
over by
Commission
to Corpora-
tion.</sup> to the Corporation all such sums of money as may be required to provide for the payment in due course of the interest accrued and the instalments of principal matured in respect of debentures issued by the Corporation for the purposes of the transportation system and other works operated by the Commission.

9. Section 15 of *The Ottawa City Transportation Act* is <sup>1920, c. 132,
s. 15, re-
enacted.</sup>
repealed and the following substituted therefor:

15. The Corporation may provide by by-law that the <sup>Proceedings
for acquiring
Ottawa
Electric
Railway.</sup> Commission shall have charge of, and supervision over, all negotiations or proceedings taken, or about to be taken, by the Corporation, having to do with the purchase or acquisition of the whole or part of the transportation system of the Company and of the real and personal property used in connection therewith.

10. Section 16 of *The Ottawa City Transportation Act* is <sup>1920, c. 132,
s. 16, re-
enacted.</sup>
repealed and the following substituted therefor:

16.—(1) The Corporation and the Company are author- <sup>Purchase of
Company by
Corporation.</sup> ized to enter into an agreement for the sale by the Company and the purchase by the Corporation on the 13th day of August, 1948, or such other date in 1948 as may be agreed upon by the Corporation and the Company, of all the real and personal property, rights, privileges and assets, other than moneys, securities and receivables, held or used in connection with the transportation system of the Company, which the Company owned or to which it was entitled on the 1st day of November, 1947, together with all capital additions made to the said transportation system after the 1st day of November, 1947, at a price not exceeding \$6,000,000, together with the net cost of such capital additions, and the Corporation is authorized to hold such property, rights, privileges and assets in the City of Ottawa and in adjacent municipalities in the Province of Ontario and in the City of Hull in the Province of Quebec.

(2) *The Bulk Sales Act* shall not apply to the sale author- <sup>Rev. Stat.,
c. 184,
not to apply.</sup> ized by subsection 1.

1920, c. 132,
s. 17, subs. 1,
re-enacted.

11. Subsection 1 of section 17 of *The Ottawa City Transportation Act* is repealed and the following substituted therefor:

Power to
borrow to
pay for
purchase of
Company.

(1) The Council may, from time to time, provide by by-law, which may be passed without obtaining the assent of the electors qualified to vote on money by-laws, for borrowing upon debentures of the Corporation, and may borrow thereon, such sum or sums of money as it may deem necessary for the purpose of making payment of:

(a) The amount to be paid the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16.

(b) The cost of such plant, equipment and other facilities as it may be necessary to provide in anticipation of the taking over by the Corporation of the transportation system and property of the Company, and such other expenditures as may be necessary in making arrangements for the operation of the said transportation system and property when acquired by the Corporation.

1920, c. 132,
s. 18,
amended.

12. Section 18 of *The Ottawa City Transportation Act* is amended by striking out the words "found to be due the Company, upon an arbitration held pursuant to the provisions of the said agreement dated the 28th day of June, 1893" in the fourth, fifth and sixth lines and inserting in lieu thereof the words "to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16", and by striking out the words "Railway and" in the eighteenth line, so that the said section shall now read as follows:

Delivery of
debentures
to Company
in payment
for purchase.

18. Instead of borrowing upon debentures of the Corporation such sum or sums of money as the Council may deem to be required, for the purpose of making payment of the amount to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16, the Corporation may agree with the Company to issue and to deliver and may issue and deliver, to the Company debentures of the Corporation in payment of the whole or part of such amount. Should such debentures be issued at a rate of interest which would not, in the opinion of the treasurer of the Corporation, expressed in writing, be sufficient

to enable it to dispose of the same without discount, it may issue and deliver such debentures to the Company at such lesser price than par as may be agreed upon; provided that no such agreement shall be binding upon the Corporation, unless within three months after the date of the execution thereof, it has been approved of by the Ontario Municipal Board, which approval the said board is hereby authorized to grant or to withhold as it shall deem expedient.

13. Section 19 of *The Ottawa City Transportation Act* is 1920, c. 132, amended by striking out the words "found to be due by it to ^{s. 19,} amended. the Company upon an arbitration held under the provisions of the said agreement of the 28th day of June, A.D. 1893" in the third, fourth and fifth lines and inserting in lieu thereof the words "to be paid to the Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16", so that the said section shall now read as follows:

19. The Corporation may, by by-law, agree to assume ^{Assumption of out-} and may assume, in satisfaction and discharge *pro*-^{standing} *tanto* of the amount to be paid to the Company under ^{mortgages} the terms of any agreement entered into by the Corporation under the authority conferred by section 16, ^{and liabilities of} any outstanding mortgages, debentures and other ^{Company.} liabilities of the Company, and, for such purpose may execute all such agreements and documents as may be necessary or convenient.

14. Section 20 of *The Ottawa City Transportation Act* is 1920, c. 132, repealed and the following substituted therefor: ^{s. 20, re-enacted.}

20. The amount of any debentures issued by the Corporation under the provisions of this Act shall not be included in the Corporation's debt in estimating ^{Debentures for Commission not included in City's debt.} the limit of its borrowing powers.

15. Section 22 of *The Ottawa City Transportation Act* is 1920, c. 132, repealed and the following substituted therefor: ^{s. 22, re-enacted.}

22.—(1) All claims, actions, and demands arising from ^{Actions, etc., against Commission.} or relating to the construction, repair, operation, management or control of the transportation system and property entrusted to the Commission, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Corporation.

Idem.

- (2) The Commission may sue and be sued in its own name.

Acquisition of land for Commission.

23. The power of the Corporation to acquire land for its purposes shall be deemed to include power to acquire land for the purposes of the Commission.

Rev. Stat., c. 259, ss. 210, 234, 235 not to apply.

24. Sections 210, 234 and 235 of *The Railway Act* are excepted from incorporation with this Act and shall not apply to the Corporation or to the Commission.

Powers of Dept. of Highways not affected.

25. Nothing in this Act shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

1920, c. 132, s. 23, re-numbered.

16. Section 23 of *The Ottawa City Transportation Act* is renumbered as section 26.

Agreement confirmed.

17. The agreement between The Ottawa Electric Railway Company and The Corporation of the City of Ottawa, dated the 29th day of December, 1947, set forth as Schedule A hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

1941, c. 72, s. 1, amended.

18. Section 1 of *The City of Ottawa Act, 1941*, as amended by section 1 of *The City of Ottawa Act, 1946*, is further amended by striking out the figures "1949" where they occur in the amendment of 1946 and inserting in lieu thereof the figures "1950", so that the said section shall now read as follows:

Time for entry under by-law 7036 extended.

1. Notwithstanding the provisions of by-law number 7036 passed by the council of the Corporation of the City of Ottawa on the 5th day of January, 1931, and notwithstanding the order of the Ontario Municipal Board dated the 8th day of July, 1937, the time for entry by the Corporation of the City of Ottawa on the lands expropriated under the said by-law number 7036 shall be deferred until the 1st day of January, 1950.

Commencement of Act.

19. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

20. This Act may be cited as *The City of Ottawa Act, 1948*.

SCHEDULE A

AN AGREEMENT made in duplicate the 29th day of December, 1947.

BETWEEN:

THE OTTAWA ELECTRIC RAILWAY COMPANY, herein-
after called the "Company",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF OTTAWA, herein-
after called the "Corporation",

OF THE SECOND PART.

WHEREAS under the provisions of certain agreements in writing entered into between the Company and the Corporation, one dated the 28th day of June, 1893, and the other dated the 25th day of January, 1924, the Corporation has the right to assume the ownership of so much of the railway of the Company as is situate in the Province of Ontario, and all real and personal property in the said Province used in connection with the working thereof, on the 13th day of August, 1948, upon giving the Company notice on or before the 12th day of February, 1948, of its intention to assume such ownership;

AND WHEREAS it may not be possible for the Corporation to explore fully before the 12th day of February, 1948, the matter of assuming the ownership of the property of the Company;

AND WHEREAS the parties hereto have agreed as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. Notice by the Corporation of intention to assume ownership of the property of the Company on the 13th of August, 1948, in accordance with the provisions of clause 4 of an agreement in writing between the Company and the Corporation dated the 28th day of June, 1893, as amended by sub-clause (f) of clause 9 of an agreement in writing between the Company and the Corporation dated the 25th day of January, 1924, shall, notwithstanding the period of notice specified in the said agreements, be sufficiently given by the Corporation to the Company if given on or before the 12th day of May, 1948, and such notice shall be as fully effectual as if given on or before the 12th day of February, 1948.

2. If the Corporation should notify the Company in writing of its intention to apply to the Legislature of the Province of Ontario for legislation confirming and ratifying this agreement and declaring the same to be legal, valid and binding upon the parties hereto, the Company shall co-operate in making and shall support such application.

3. Except as hereinbefore provided, this agreement shall not in any way affect the rights, privileges and obligations of the Company and the Corporation under the said agreements dated the 28th day of June, 1893, and the 25th day of January, 1924, or under any other agreement entered into between the Company and the Corporation.

IN WITNESS WHEREOF the Company has hereunto caused its corporate seal to be affixed under the hands of its proper officers, and the

Corporation has hereunto caused its corporate seal to be affixed under the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

(Signed) ALLAN T. LEWIS.

THE OTTAWA ELECTRIC RAILWAY CO.

(Signed) T. F. AHEARN,
President.

(Signed) E. M. BARON,
Sec'y-Treas.
(Seal)

THE CORPORATION OF THE CITY OF
OTTAWA

(Signed) J. E. S. LEWIS,
Mayor.

(Signed) N. R. OGILVIE,
Clerk.
(Seal).

CHAPTER 118.

An Act respecting The Ottawa Ladies' College.

Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.

WHEREAS at a meeting of the General Assembly of The Preamble.
 Presbyterian Church in Canada held immediately prior
 to the 17th day of January, 1898, a committee was appointed
 for the administration of The Ottawa Ladies' College (incor-
 porated by *An Act to Incorporate the Ottawa Ladies' College*, 1869, c. 54.
 being chapter 54 of the Statutes of Ontario, 1869), the pro-
 perty and buildings of the College in the City of Ottawa
 having then passed under the control of The Presbyterian
 Church in Canada; and whereas the committee was instructed,
 authorized and empowered to procure an Act of incorporation
 empowering it to acquire and take over the property of the
 said College from the person or persons who then held it in
 trust for the Board of French Evangelization, and the com-
 mittee was instructed to report annually to the said General
 Assembly; and whereas, pursuant thereto an institution of
 learning under the name and style of "The Presbyterian
 Ladies' College, Ottawa" was incorporated by *An Act to* 1898, c. 74.
incorporate The Presbyterian Ladies' College, Ottawa, being
 chapter 74 of the Statutes of Ontario, 1898; and whereas the
 name of the said College was changed to "The Ottawa Ladies'
 College" by *An Act respecting the Presbyterian Ladies' College*, 1902, c. 109.
Ottawa, being chapter 109 of the Statutes of Ontario, 1902;
 and whereas pursuant to the aforesaid Act of incorporation of
 1898 the members of the Board of Trustees remained in office
 until their successors were duly appointed by the General
 Assembly of The Presbyterian Church in Canada and the
 said Board of Trustees were required, from time to time and
 at least once a year, to report to the General Assembly of
 The Presbyterian Church of Canada and also to the Synod of
 Montreal and Ottawa, showing the receipts and expenditure
 of the Board for all purposes, and such other details of the work
 of the said College as might be necessary or as might be from
 time to time ordered or directed by the said General Assembly
 or the said Synod; and whereas, from and after the coming into
 force of *The United Church of Canada Act* (Ontario), it was 1925, c. 125.
 enacted that The Ottawa Ladies' College and the Board of
 Trustees thereof should have the same connection with and
 stand in the same relation to The United Church of Canada
 as it had and stood with and to The Presbyterian Church in

1924, c. 100
(Can.).

Canada immediately prior to the passing of *The United Church of Canada Act* (Canada), and that all rights, powers, authorities and privileges in respect to the said College, of or vested in the General Assembly of The Presbyterian Church in Canada or any Synod thereof, should be vested in the General Council of The United Church of Canada; and whereas His Majesty the King in right of Canada did on or about the 13th day of July, 1942, expropriate the lands and buildings of The Ottawa Ladies' College situate in the City of Ottawa under the provisions of the *Expropriation Act* (Canada) and the Board of Trustees of the said College now stand seized and possessed of the compensation moneys paid pursuant to such expropriation; and whereas The Ottawa Ladies' College by its petition has prayed that its said Act of incorporation may be further amended as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

R.S.C.,
c. 64.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1898, c. 74,
ss. 2, 5, 6,
17, re-
enacted.

1. Sections 2, 5, 6 and 17 of *An Act to incorporate The Presbyterian Ladies' College, Ottawa*, being chapter 74 of the Statutes of Ontario, 1898, are repealed and the following substituted therefor:

Board of
Trustees.

2. The present members of the Board of Trustees of the Corporation and any additional trustees appointed as hereinafter provided, not exceeding in all the number of ten, shall be the Board of Trustees of the Corporation, of whom four shall form a quorum, and shall have the powers and perform the duties hereinafter assigned to them and shall hold office until their successors are appointed in the manner in this Act provided.

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Management
and control
vested in
Board.

5. The affairs of the Corporation shall, subject to the provisions hereinafter contained with regard to the appointment of an executive committee, be managed and controlled by a Board of Trustees consisting of ten members, to be appointed as hereinafter provided, and every trustee so appointed shall thereupon become a member of the said Corporation, so that the Board of Trustees, as the same is constituted from time to time, shall be the only members of the Corporation.

Executive
Committee.

6. The said Board of Trustees shall have power to appoint from among its members an Executive Committee consisting of three members, and to elect a President and Vice-President.

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17. The Corporation may, from time to time, sell, convey, lease or otherwise dispose of any of its lands or other property, both real and personal now owned or hereafter acquired by it, and may invest and re-invest the proceeds and its funds and revenue as aforesaid in any of the classes of security referred to in section 16, and may use and apply any of its property, both real and personal, for the establishment of scholarships, endowments or bursaries or for the general advancement of education and learning in its various branches of literature, science and the arts, as the Board of Trustees shall in their discretion deem advisable or expedient, or may apply such property otherwise for the purposes of the Corporation. Power to sell lands and personal property and to use and apply corporate property for the general advancement of education.
2. Subsection 3 of section 12 of the said *An Act to incorporate The Presbyterian Ladies' College, Ottawa*, is repealed 1898, c. 74, s. 12, subs. 3, re-enacted. and the following substituted therefor:
- (3) The whole number of members of the Corporation shall not at any time exceed ten; and upon any person ceasing to be a member of the Board of Trustees such person shall thereupon cease to be a member of the Corporation. Maximum membership.
3. Whenever in the said *An Act to incorporate The Presbyterian Ladies' College, Ottawa*, or in any amending Act, reference is made to The Presbyterian Church in Canada or other body, whether incorporated or unincorporated, created by, or under the government or control of, or in connection with the said Church, the reference shall be read and construed as a reference to The United Church of Canada. Reference to be to United Church of Canada.
4. All Acts and portions of Acts of the Legislature of Ontario inconsistent with the provisions of this Act are hereby repealed in so far as may be necessary to give full effect to this Act. Repeal of inconsistent enactments.
5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.
6. This Act may be cited as *The Ottawa Ladies' College Act*, Short title.
- 1948.

CHAPTER 119.

An Act respecting the City of Peterborough.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of Peterborough Preamble.
by its petition has prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
part of the Township of North Monaghan to the City of
Peterborough, to repeal certain sections of *An Act respecting the* 1908, c. 104.
City of Peterborough, being chapter 104 of the Statutes of
Ontario, 1908; and to authorize the council of the Corporation
to extend to the 31st day of December, 1958, the term of the
franchise or right of Border Transit Limited granted by
by-law number 4360 of the Corporation to use the streets of
the City of Peterborough; and whereas it is expedient to grant
the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Order P.F. B-6261 of the Ontario Municipal Board Annexation
order
confirmed.
dated the 30th day of December, 1947, set out as Schedule A
hereto, is hereby confirmed.

(2) The said Order shall be deemed to have had effect on Effective
date.
and after the 1st day of January, 1948.

2.—(1) Sections 16, 19, 21, 22 and 26 of *An Act respecting* 1908, c. 104,
ss. 16, 19, 21,
22, 26,
repealed.
the City of Peterborough, being chapter 104 of the Statutes
of Ontario, 1908, are repealed.

(2) Sections 20 and 23 of the said Act, as amended by 1908, c. 104,
ss. 20, 23,
repealed.
section 5 of *An Act respecting the City of Peterborough*, being
chapter 75 of the Statutes of Ontario, 1918, are repealed.

3. All real estate now vested in The Peterborough City Real estate
vested in
City.
Trust shall from and after the day upon which this Act comes
into force be, and the same is hereby declared to be, vested
in the Corporation of the City of Peterborough in fee simple.

Authority to
extend term
of franchise.

4. The council of the Corporation of the City of Peterborough may, without the assent of the electors, pass a by-law extending to the 31st day of December, 1958, the term of the franchise or right of Border Transit Limited to use the streets of the City granted pursuant to by-law number 4360 of the Corporation.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Peterborough Act, 1948*.

SCHEDULE A

P.F. B-6261

THE ONTARIO MUNICIPAL BOARD

Tuesday, the Thirtieth day of December, A.D. 1947.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman, andW. P. NEAR, ESQ., B.A.Sc.,
Vice-Chairman.IN THE MATTER OF *The Municipal
Act* (R.S.O. 1937, Chapter 266),
and amending Acts, andIN THE MATTER OF the application of
the Corporation of the City of
Peterborough and of the Corpora-
tion of the Township of North
Monaghan for annexation to the
City of Peterborough of part of the
Township of North Monaghan.UPON THE APPLICATION OF the Corporation of the City of Peter-
borough in the presence of:Melville H. Johnston—Warden of the County of Peterborough and
Reeve of the Township of North Monaghan;Bruce Johnston—Clerk and Treasurer of the Township of North
Monaghan;Albert J. Arnott—Councillor of the Township of North Monaghan;
F. D. Kerr, K.C.—Solicitor for the County of Peterborough and the
Township of North Monaghan;

William G. Owens—Mayor of the City of Peterborough;

E. A. Outram—Clerk of the City of Peterborough;

Max J. Swanston—Alderman of the City of Peterborough;

W. F. Huycke, K.C.—Solicitor of the City of Peterborough;

George Sage and Eric McKinsty—Chairman and Secretary-Treasurer
respectively of the Board of Public School Trustees of North
Monaghan Township Area Schools No. 1;

Keith S. Wightman—Inspector of Public Schools;

W. J. Arthur Fair—Solicitor for a number of ratepayers of the Town-
ship of North Monaghan;Lawrence McCarthy, Harold Doig, Lawrence Lavoie, Mrs. William
Huggins, Herbert Doig, and Mrs. H. McMahon—Ratepayers of
the Township of North Monaghan;

and upon reading By-law Number 4605 of the City of Peterborough, filed with the Board authorizing an application for annexation of part of the Township of North Monaghan to the City of Peterborough and upon reading By-law Number 1330 of the Township of North Monaghan approving the annexation to the City of Peterborough of part of said Township and filed with the Board, and the application of the City of Peterborough coming on for hearing before this Board, in the Council Chamber at the City Hall, in the City of Peterborough on the Twentieth day of May, 1947, and such By-laws being duly filed with the Board, and upon hearing what was alleged by Counsel on behalf of the Corporation of the City of Peterborough, and Counsel on behalf of the Township of North Monaghan, the Mayor and Clerk of the said City of Peterborough, and the Reeve and Clerk of the said Township of North Monaghan, and Mr. W. J. Arthur Fair, on behalf of a number of ratepayers opposed to the said annexation, and a number of ratepayers of the Township of North Monaghan in person, and the County of Peterborough making no objection to said annexation, and upon being satisfied that public notice of the hearing had been given as directed by the Board.

THIS BOARD DOTH ORDER AND PROCLAIM that those parts of the Township of North Monaghan in the County of Peterborough described in Schedule "A" hereto, and Woodland Street be and the same are hereby annexed to the City of Peterborough subject to the following terms and conditions:

1. That the said parts of the Township of North Monaghan be annexed to the City of Peterborough fourteen days after the date of the signing of this Order and then only provided that no objection to this Order has been filed with the Ontario Municipal Board.

2. That the said annexation shall come into force and take effect on January 1, 1948.

3. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed area to be levied by the City in respect of the said annexed territory shall from and after January 1, 1948, be the same and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates levied and raised from time to time on the property within the old boundaries of the City of Peterborough as they existed on the 1st day of January, 1947, and the assessment of the said annexed territory by the City shall from and after January 1, 1948, be on the same basis and made at the same time and in the same manner as in said old boundaries of the City of Peterborough.

4. That the City of Peterborough shall assess the real property in the annexed area for taxation purposes for the year 1948 at the same time and in the same manner as other assessments are made within the boundaries of the City of Peterborough, for taxes payable for and in the year 1948, and all rates levied on property within the boundaries of the City of Peterborough shall be levied against the properties in said annexed area in the year 1948 by the City of Peterborough, and shall be payable to the City of Peterborough at the same time and in like manner as all other rates levied in the year 1948.

5. That the Township shall at all reasonable times allow the City, its servants and agents, access to the Assessment Rolls of the said portion of the Township and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same.

6. (a) That all taxes imposed by the Township in the annexed area up to December 31, 1947, and all arrears of taxes owing in the said area shall belong to the Township of North Monaghan.

(b) That the Township shall forthwith prepare and furnish the City a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed area to December 31, 1947, and the persons assessed therefor.

(c) That the City shall have the right to collect all taxes belonging to said Township in said area as set out in section 6 (a) hereof according to said special collector's roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for non-payment of such arrears, as fully as if the said taxes had been assessed and levied by the City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the City to the Township on or before December 15 in each year, provided that the said City shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City shall have all the rights, and powers conferred upon municipalities by *The Assessment Act*, or any other Act in force regarding the collection of arrears of taxes in the annexed area, but the City shall not be responsible to the Township for any such arrears of taxes which it may be unable to collect.

(d) That the Township shall indemnify and save harmless the City from all loss, costs, charges and expenses arising from any act or omission of the Township or their officials or servants in connection with the said Special Roll.

7. (a) That all rights, title and interest in the Corporation of the Township of North Monaghan and the Corporation of the County of

Peterborough in the highways and streets in the said area together with any and all right, title and interest in any franchises or agreements heretofore given or made, and in so far only as they affect the portions of the said highways and streets in the areas so annexed, shall vest in the Corporation of the City of Peterborough, as and from the 1st day of January, 1948.

(b) That the Township shall convey to the City of Peterborough for park purposes in accordance with the Crown Grant, Park Lot Number 1, Township Lot 13 in the 11th Concession of the Township of North Monaghan.

8. That where any work heretofore has been constructed in the said area to be annexed and such work is defective or insufficient, the City may proceed with the construction of required works under the provisions of *The Local Improvement Act* notwithstanding the lifetime of the first mentioned work has not expired.

9. That the Township shall be responsible for all general municipal services for the remainder of the calendar year 1947.

10. That the City will assume the debenture debt outstanding for the Grove School in the Township and the City will pay to the Board of North Monaghan Township Area Schools in the sum of \$16,190.53 on or before July 1st, 1948, for the equity of the North Monaghan Board in the Grove School.

11. That in view of the fact that, concurrent with this annexation, all the debenture debt of the Township of North Monaghan is being assumed by the City, the City agrees to assume all the present outstanding debentures of the Township on January 1, 1948, in the same manner as if the said debentures had been issued by the City and will pay the principal and interest thereof when the same becomes due.

12. That any lands of two acres or more in the annexed area and now used for agricultural, poultry raising or gardening purposes shall, so long as so used, be assessed in each year at such amount as may be agreed upon by the City and the person assessed, or failing such agreement as shall be determined by the Ontario Municipal Board.

13. That the residents of the area to be annexed from and after the date fixed by Order of the Ontario Municipal Board shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

14. That any liability which the County of Peterborough has incurred since the first day of January, 1945, or hereafter may incur by virtue of a judgment of any competent Court under the provisions of *The Children's Protection Act* shall become the liability of the City of Peterborough and the County of Peterborough as the case may be, and shall be adjusted between the said Corporations, that is to say, such liability shall be assumed by the City of Peterborough if such liability on the part of the County of Peterborough arises or has arisen from residence of the mother of the neglected child being or having been in the area of the Township of North Monaghan annexed by the City of Peterborough, and the City of Peterborough shall at all times hereinafter protect and indemnify the County of Peterborough in respect of such liability.

15. That in case the Board of Public School Trustees of North Monaghan Township Area Number One has a surplus to its credit on December 31st, 1947, in accordance with the percentage of Public School Assessment over the total assessment of area to be annexed, then the said Board of Public School Trustees of North Monaghan Township Area Number One shall pay to the Board of Education for the City of Peterborough 41.6% of such surplus, and in the case that there is a deficit the Board of Education of the City of Peterborough shall pay to the Board of Public School Trustees of North Monaghan Township Area Number One 41.6% of such deficit.

16. That the Board of Education for the City of Peterborough shall from the first day of January, 1948, admit to the Public Schools in the City of Peterborough such pupils as are on such date or may hereafter become resident within the present limits of North Monaghan Township Area Number One as the Board of Public School Trustees of North Monaghan Township Area Number One may from time to time require and approve of, and the said Board of Public School Trustees of North Monaghan Township Area Number One shall pay to the Board of Education for the City of Peterborough for such pupils the usual net pupil day cost based as set forth by *The Public Schools Act* with the exception of Kindergarten pupils for each of whom a nominal charge of \$2.50 per month shall be made and paid by the Board of Public School Trustees of North Monaghan Township Area Number One.

17. That the Corporation of the Township of North Monaghan, the Corporation of the County of Peterborough and the Corporation of the City of Peterborough, the Board of Education for the City of Peterborough and the Board of Public School Trustees of North Monaghan Township Area Number One shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to section 23 of *The Municipal Act* and section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this Order, and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities then all such questions of adjustment may be referred to Judge Sheldon L. Smoke, Judge of the County Court of the County of Peterborough, or such other person or persons as the Board may appoint, who shall make inquiry, and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of section 23 of *The Municipal Act* as amended by *The Municipal Amendment Act, 1939*, 3 George VI, Chapter 30, section 2, and Amending Acts.

18. That any matter of financial liability not expressly dealt with in this Order shall not by reason of such omission be deemed to have been waived by the City of Peterborough or the County of Peterborough or the Township of North Monaghan or the Board of Education for the City of Peterborough or the Board of Public School Trustees of North Monaghan Township Area Number One, and this Order shall be deemed to cover matters hereinbefore specifically dealt with by this Order and all other financial matters arising out of the annexation shall be adjusted from time to time on a fair and equitable basis by and between the parties affected by this Order and failing agreement shall be determined by the Ontario Municipal Board.

R. S. COLTER,

Chairman,

(Seal)

The Ontario Municipal Board.

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan in the County of Peterborough and the Province of Ontario, and being composed of parts of Lots Numbers 11, 12 and 13 in the 11th Concession of the said Township adjoining the limits of the City of Peterborough, which said parcel is further described as follows, that is to say:

COMMENCING at the intersection of the centre line of Monaghan Road in the said Township, being the road allowance between Lots Numbers 12 and 13 in the 11th Concession thereof, and the westerly production of the southerly limit of Park Lot Number 20 in Lot Number 13 in the said 11th Concession; thence westerly in a line parallel with the road allowance between Concessions 11 and 12 of the said Township to a point in the westerly limit of Lot Number 1, according to Registered Plan Number 17 of the said Township, which point is distant 228 feet southerly from the northerly limit of said Lot Number 1; thence northerly along the westerly limit of said Lot Number 1, a distance of 1 foot, more or less, to a point which would be intersected by the production easterly of the southerly limit of Lot Number 91 as shown on Registered Plan Number 58 for the said Township; thence westerly and parallel with the southerly limit of Lansdowne Street and following the southerly limit of said Lot Number 91 and its production easterly, the production westerly of the said southerly limit of Lot Number 91, the southerly limit of Lot Number 64 according to said Registered Plan Number 58, the production westerly of the said southerly limit of said Lot 64, the southerly limit of Lot Number 57 as shown on said Registered Plan Number 58, the production westerly of the said southerly limit of said Lot Number 57 and the southerly limit of Lot Number 17, according to said Registered Plan Number 58 to the southwesterly angle of said Lot Number 17; thence southerly along the westerly limits of Lots Numbers 18 and 19, according to said Registered Plan Number 58, a distance of 62 feet to the southwest angle of said Lot Number 19 as shown on said Registered Plan Number 58; thence westerly along the northerly limits of Lots Numbers 23, 24, 25, 26 and 27 as shown on said Registered Plan Number 58 to the northwest angle of said Lot Number 27; thence southerly along the westerly limit of said Lot Number 27 as shown on said Registered Plan Number 58 a distance of 1 foot, more or less, to a point distant 290 feet southerly from the southerly limit of Lansdowne Street; thence westerly and parallel with the northerly limit of Lot Number 4, according to said Registered Plan Number 17, a distance of 163 feet; thence northerly and parallel with the westerly limit of said Lot Number 4 a distance of 62 feet to a point distant 228 feet southerly from the northerly limit of said Lot Number 4; thence westerly and parallel with the northerly limits of Lots Numbers 4, 5, 6 and 7, according to said Registered Plan Number 17 to the westerly limit of Lot Number 7 according to said Registered Plan Number 17 of the said Township; thence southerly along the westerly limit of the said Lot Number 7 to the southwesterly angle thereof; thence continuing southerly in a straight line across lots Numbers 39 to 26 inclusive, the intervening Cameron Street and the right of way of the Canadian National Railways, according to Registered Plan Number 34 of the said Township parallel with the easterly limit of the said Lots to the northerly limit of the road allowance between Concessions 10 and 11 of the said Township; thence easterly along the said limit and the easterly production thereof to the centre line of Otonabee River, according to the survey of the said Township; thence northeasterly along the said limit to its intersection with the southerly production of the centre line of Park Street, being the road allowance between Lots Numbers 13 and 14 in the 11th Concession of the said Township; thence northerly along the said limit to its intersection with the easterly production of the southerly limit of Park Lot Number 10 in the said Lot Number 13 in the 11th Concession of the said Township; thence westerly along the said production along the said limit and the westerly production thereof to its intersection with the said centre line of Monaghan Road; thence northerly along the said limit to the place of beginning.

TOGETHER WITH all those parts of the original road allowance between the Concessions, Township Lots and Park Lots situate within the area hereinbefore defined.

ALL OF WHICH is further detailed in the following appendix:

Appendix

LOT 11, CONCESSION 11.

1. *Plan No. 17* (following parts):

- (a) Part of Lots 6 and 7, including part of right of way of Canadian Pacific Railway.
- (b) Part of Erskine Avenue.

2. *Plan No. 34* (following parts):

- (a) Part of Lots 26 to 39 inclusive and part of right of way of the Canadian National Railway.
- (b) Part of Erskine Avenue.
- (c) Part of Cameron Street.

LOT 12, CONCESSION 11.

1. *Plan No. 17* (following parts):

- (a) Block A and part of Lots 1 to 5 inclusive.
- (b) Part of Monaghan Road and Erskine Avenue.
- (c) Part of the right of way of the Canadian National Railways.

2. *Plan No. 20* (following parts):

- (a) Lots 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24 and 25.
- (b) Right of way of Canadian National Railways.
- (c) Part of Erskine Avenue and Monaghan Road.
- (d) Cameron Street and McKellar Street.

3. *Plan No. 40* (all of plan):

- (a) Lots 1 to 20 inclusive.
- (b) Orpington Road.
- (c) Lane from Orpington Road to Cameron Street.

4. *Plan No. 58* (following parts):

- (a) Lots 18 to 56 inclusive.
- (b) Lots 65 to 90 inclusive.
- (c) Borden Avenue.
- (d) Laurier Avenue.
- (e) Part of Greer Avenue and Bell Avenue.
- (f) All lanes adjacent to the above mentioned lots shown on Registered Plan.

LOT 13, CONCESSION 11.

1. All of Park Lots 1, 7 and 8.
2. Part of Park Lots 2, 3, 4 and 5, including parts of those lots now flooded.
3. Part of Monaghan Road and Park Street
4. Cameron Street.
5. Government Reserve along Otonabee River and part of the river bed.
6. *Plan No. 52* (all of plan):
 - (a) Lots 1 to 96 inclusive.
 - (b) Howden Street.
7. *Plan No. 51* (all of plan):
 - (a) Lots 1 to 66 inclusive.
 - (b) Twelve foot lane and six inch reservation to north of lots shown on this plan.
 - (c) Block A.
8. *Plan No. 66* (all of plan):
 - (a) Lots 1 to 26 inclusive, including those parts of Lot 26 now known as Bruce and Archibald Avenues.
 - (b) Riverside Drive.

CHAPTER 120.

An Act respecting the City of Port Arthur.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of Port Arthur Preamble.
by its petition has represented that pursuant to section
2 of *The City of Port Arthur Act, 1945*, the council of the 1945, c. 35.
Corporation passed by-law number 2606 which was set forth
as a schedule to the said Act; and that pursuant to the said
section 2 the by-law is now legal, valid and binding upon the
Corporation and the ratepayers thereof; and whereas the
petitioner has prayed that the said Act be repealed and that
the council of the Corporation be authorized to repeal or
amend the said by-law; and whereas it is expedient to grant
the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of the Corporation of the City of Port Arthur may, with the approval of the Ontario Municipal Board, repeal or amend the said by-law number 2606. Power to repeal or amend by-law.

2. *The City of Port Arthur Act, 1945*, is repealed. 1945, c. 35, repealed.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The City of Port Arthur Act*, Short title.
1948.

CHAPTER 121.

An Act to establish The Town of Riverside High School District.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the Town of Riverside Preamble.
by its petition has prayed for special legislation to establish a high school district for the area of the Town and a municipal board of education; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the 1st day of January, 1948, the area of the Town of Riverside shall be a high school district to be known as The Town of Riverside High School District. Riverside to be a high school district.

2.—(1) There shall be a municipal board of education to be known as The Board of Education for the Town of Riverside, which shall have and possess all the powers and perform all the duties which are, by *The Boards of Education Act* or by any other Act, conferred or imposed upon a public school board or a high school board. Establishment of Board of Education. Rev. Stat., c. 361.

(2) The first members of the said Board of Education shall be the six present members of the Riverside Public School Board in the Town of Riverside, and two members who shall be appointed by the Board of Trustees of the Roman Catholic Separate Schools for the Town of Riverside, and the said first members shall be deemed to have composed the said Board of Education on and after the 1st day of January, 1948, and shall hold office until their successors are elected or appointed as hereinafter set forth. Composition of first Board.

(3) The Board of Education for the Town of Riverside shall, subject to subsection 2, be composed of six members, who shall be elected in the Town of Riverside at the same time and hold office for the same term as the members of the council of the Town of Riverside, in the manner provided in subsection 3 of section 3 of *The Boards of Education Act*, and Composition of permanent Board.

two members appointed by the Board of Trustees of the Roman Catholic Separate Schools for the Town of Riverside, and thereupon, except as herein provided, the Board of Education shall be organized and carried on in accordance with *The Boards of Education Act*.

Separate
school
members.

(4) The persons appointed to the Board of Education by the Board of Trustees of the Roman Catholic Separate Schools for the Town of Riverside shall be appointed at the time of the election of and hold office for the same term as the members of the council of the Town of Riverside.

Rev. Stat.,
c. 361
to apply.

3. Save as herein provided, *The Boards of Education Act* shall, where applicable, apply to The Town of Riverside High School District and to The Board of Education for the Town of Riverside.

Tecumseh
may join
District.

4.—(1) Subject to the approval of the Minister of Education, the council of the Town of Riverside and the council of the County of Essex, the Town of Tecumseh may join The Town of Riverside High School District by passing a resolution so requesting on or before the 1st day of July in any year and by filing a certified copy thereof with the Board of Education, together with certified copies of the resolutions containing the approval of the County of Essex and the Town of Riverside, and the Town of Tecumseh shall become part of the District on the 1st day of January next following the passing of its resolution.

Board to
have en-
larged
membership.

(2) Upon the Town of Tecumseh becoming part of The Town of Riverside High School District, the Board of Education shall be augmented by two members from the Town of Tecumseh, who shall be elected in the Town of Tecumseh at the corresponding annual election and hold office for the same term as the members of the council of the Town of Riverside, in the manner provided in subsection 3 of section 3 of *The Boards of Education Act*, and two members who shall be appointed by the Board of Trustees of the Roman Catholic Separate Schools for the Town of Tecumseh.

Separate
school mem-
bers from
Tecumseh.

(3) The persons appointed to the Board of Education by the Board of Trustees of the Roman Catholic Separate Schools for the Town of Tecumseh shall be appointed at the time of the election of and hold office for the same term as the members of the council of the Town of Riverside.

Term of
office of
members of
Board.

5. All members elected or appointed to the Board of Education shall hold office until their successors are elected or appointed as the case may be.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948. <sup>Commence-
ment of Act.</sup>

7. This Act may be cited as *The Town of Riverside High School District Act, 1948.* ^{Short title.}

CHAPTER 122.

An Act respecting the City of St. Catharines.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of St. Catharines Preamble.
by its petition has prayed for special legislation to confirm certain orders of the Ontario Municipal Board annexing parts of the Township of Grantham to the City of St. Catharines; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Order P.F. B-6341 of the Ontario Municipal Board dated the 9th day of December, 1947, as amended by Order P.F. B-6341 dated the 5th day of January, 1948, set out as Schedules A and B hereto, respectively, is hereby confirmed. Municipal Board Order P.F. B-6341 confirmed.

(2) The said Order shall be deemed to have had effect on and after the 1st day of January, 1948. Effective date.

(3) The lands annexed to the City of St. Catharines, when added to the assessment rolls of the City of St. Catharines for the year 1947, pursuant to the said Order, shall be assessed, in accordance with the provisions of the said Order, and all proceedings shall be taken under the provisions of *The Assessment Act*, as if the lands had been entered upon the said rolls under the said Act, and when the assessments thereof have been revised and confirmed the said land shall be liable to taxation in the year 1948 at the same rate as other lands in the City of St. Catharines. Assessment and taxation. Rev. Stat., c. 272.

2.—(1) Order P.F. B-3715 of the Ontario Municipal Board dated the 21st day of November, 1947 and set out as Schedule C hereto, which amended Order P.F. B-3715 of the Ontario Municipal Board dated the 15th day of August, 1945 and confirmed by section 1 of *The City of St. Catharines Act, 1946*, is hereby confirmed. Municipal Board Order P.F. B-3715 confirmed.

Effective
date.

(2) Notwithstanding paragraph 2 of the said Order, the said Order shall be deemed to have had effect on and after the 1st day of January, 1946.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of St. Catharines Act, 1948*.

SCHEDULE A

(Crest)

P.F. B-6341

ONTARIO

THE ONTARIO MUNICIPAL BOARD

Tuesday, the Ninth day of December, A.D. 1947.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman, and

R. H. YEATES, ESQ.,
Member.

IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), and amending Acts thereto, and

IN THE MATTER OF the application by the Corporation of the City of St. Catharines for annexation to the City of St. Catharines of parts of the Township of Grantham.

UPON THE APPLICATION OF the Corporation of the City of St. Catharines and upon reading its By-law Number 5157, passed on the 31st day of March, 1947, authorizing an application to this Board for an Order annexing parts of the Township of Grantham to the City of St. Catharines and upon being satisfied that notice of this hearing was given as directed by the Board and upon holding a public hearing in the Municipal Building in the City of St. Catharines on the 18th day of June, 1947, and upon hearing M. A. Seymour, Esq., K.C., Counsel for the Applicant.

THIS BOARD DOTH ORDER AND PROCLAIM that those parts of the Township of Grantham, in the County of Lincoln, described in Schedules "A" and "B" hereto, be and the same are hereby annexed to the City of St. Catharines, from and after the day fixed by the Act of the Legislature of the Province of Ontario confirming this Order and fixing the day for it to take effect, subject to the following terms and conditions, namely:

1. That the said parts of the Township of Grantham shall be added to the assessment rolls of the City of St. Catharines for the year 1947 upon which taxes shall be levied in the year 1948.

2. That all taxes imposed by the Corporation of the Township of Grantham upon the said lands up to the said day and all arrears of taxes then owing on the said lands shall remain the property of the Corporation of the Township of Grantham.

3. That the Corporation of the City of St. Catharines shall have the right to and shall collect all the said taxes owing to the Corporation of the Township of Grantham and, for that purpose, may exercise all the relevant powers provided in *The Assessment Act* as fully and effectually as if the said taxes had been assessed and levied by the Council of the Corporation of the City of St. Catharines but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the City of St. Catharines to the Corporation of the Township of Grantham within six months from the date of collection thereof.

4. That each parcel of land separately assessed, including buildings thereon, if any, situate in the said parts of the Township of Grantham, described in Schedules "A" and "B", shall be assessed, when added to the said respective assessment rolls for the City of St. Catharines made in the year 1947, at such an amount as, applying thereto the general mill rate, including school rate, for the City of St. Catharines for the year

1947, will produce, as nearly as may be, the same amount of taxes as have been levied, in the year 1947, on each such parcel, by the Council of the Corporation of the Township of Grantham.

5. That, upon each such separate assessment being ascertained, as provided in the preceding paragraph hereof, each such separate assessment, including buildings, if any, shall remain, respectively, the assessment of such parcel until the expiration of ten years from the date of this Order takes effect, provided, however, that upon any such parcel being subdivided, in whole or in part, or sold off in parcels, by metes and bounds description, such land so subdivided or any parcel or parcels so sold off, shall forthwith become liable to assessment in accordance with the provisions of *The Assessment Act*.

6. That, upon the said lands, including buildings, if any, being added to the said 1947 rolls for the City of St. Catharines and so assessed, the owner shall receive an assessment notice thereof and shall have, and may exercise, all the rights of appeal, subject to the provisions of paragraphs 4 and 5 hereof, provided in *The Assessment Act*.

7. That, except as provided in paragraph 8 hereof, any new building, or buildings, or extension of or addition to any existing building, shall be assessed in the manner provided in *The Assessment Act*.

8. That any extension of or addition to the building now erected on the lands owned by Norman Bellows, as described in Schedule "C" hereto, and any additional building or buildings, the construction of which is presently contemplated by the said Norman Bellows, as proved by an affidavit of the said Norman Bellows filed with the Corporation of the City of St. Catharines, shall be valued and assessed at the same rate of assessment per square foot as the said existing building is now assessed in the Township of Grantham and the provisions of paragraphs 4 and 5 hereof shall then apply, for the purpose of assessing, in the City of St. Catharines, such extension of or addition to the existing building and any such additional building or buildings, provided, however, that such extension or addition to the existing building or any additional building or buildings shall have been constructed within three years of the date of the taking effect of this Order.

9. That the lands described in Schedule "A" shall form part of St. Andrew's Ward of the City of St. Catharines and the lands described in Schedule "B" shall form part of St. George's Ward of the City of St. Catharines.

10. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the lands described in the said Schedules hereto, including all roads and streets and allowances therefor, shall vest, from and after the said date, in the Corporation of the City of St. Catharines, saving and excepting the rights of ownership of the said Corporation of the Township of Grantham in the lands described in Schedule "D" hereto.

11. That the Corporations of the City of St. Catharines, the Township of Grantham and the County of Lincoln shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this Order, and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such person or persons as the Board may appoint, who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said *Municipal Act*.

12. The Board recommends, having regard to the incidence of assessment and taxation, that this Order take effect on and from the 1st day of January, 1948.

(Seal)

R. S. COLTER,
Chairman.

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of Lots 12, 11, 10, 9 and part of Lot 8 in Concession 6 including all of Grantham Park Subdivision No. 91; and all of Fairvale Subdivision Plan No. 88; part of Lots 11 and 12 in Concession 7; part of the Road Allowances between Lots 8 and 9, 10 and 11; part of the Road Allowance between Concessions 5 and 6, 6 and 7 in the said Township of Grantham, and which may be more particularly described as follows: Commencing at the Southwest angle of Lot 12 in Concession 5; thence Easterly in the Northerly boundary of the Road Allowance between Concessions 5 and 6 to the Westerly Water's Edge of the Welland Ship Canal; thence Southerly in the said Westerly Water's Edge to the Southerly boundary of the Road Allowance between Concessions 6 and 7; thence Westerly in the said Southerly boundary to the Easterly boundary of the Road Allowance between Lots 10 and 11; thence Southerly in the said Easterly boundary to the Southerly boundary of the lands of the Welland Canal (abandoned); thence Northwesterly in the said last mentioned boundary to the Southerly boundary of the Road Allowance between Concessions 6 and 7; thence Westerly in the said Southerly boundary to the Easterly boundary of the Road Allowance between Lots 12 and 13; thence Northerly in the said Easterly boundary to the place of beginning.

Schedule "B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of part of Lots 15, 16, 17, 18 and 19 in Concession 8; Lots 15, 16, 17, 18 and part of Lots 19 and 20 in Concession 9; part of the Road Allowances between Lots 14 and 15, 16 and 17, 18 and 19, 20 and 21 in Concessions 8 and 9; and part of the Road Allowances between Concessions 8 and 9, and 9 and 10 in the said Township of Grantham, and which may be more particularly described as follows: Commencing at the Northwest angle of Lot 14 in Concession 10; thence Northerly in the Easterly boundary of the Road Allowance between Lots 14 and 15 to the Northerly boundary of the lands of the Canadian National Railway; thence Northwesterly in the said last mentioned boundary to the Southerly boundary of the Road Allowance between Concessions 7 and 8; thence Westerly in the said last mentioned boundary to the centre line of the 12 Mile Creek as now established; thence Southerly and Westerly following the said centre line to the Westerly boundary of the Road Allowance between Lots 20 and 21; thence Southerly in the said last mentioned boundary to the Southerly boundary of the Road Allowance between Concessions 9 and 10; thence Easterly in the said last mentioned boundary to the place of beginning.

Schedule "C"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of part of Lot 17 in the Ninth Concession of the said Township, and being more particularly described as follows: Commencing at a point in the westerly boundary of the Merrittville Highway at the southeast angle of said Lot 17; thence north 1 degree and 45 minutes west, 380.3 feet to a point; thence south 82 degrees and 40 minutes west, 425.5 feet to a point; thence south 1 degree and 45 minutes east, 485.6 feet more or less to the southerly limit of said Lot 17; thence easterly along the said last mentioned limit 440.5 feet more or less to the place of beginning.

Schedule "D"

AREA NORTHEAST OF CITY.

FAIRVALE SUBDIVISION PLAN No. 88

Lots Nos. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 74, 75, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137.

GRANTHAM PARK SUBDIVISION PLAN No. 91

Lots Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 119, 120, 121, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 192, 203, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 234, 235, 240, 246, 247, 248, 249, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 282, 283, 284, 285, 286, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 351, 352, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 476, 479, 480, 481, 482, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502.

SCHEDULE B

(Crest)

P.F. B-6341

ONTARIO

THE ONTARIO MUNICIPAL BOARD

Monday, the Fifth day of January, A.D. 1948.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman,

W. P. NEAR, ESQ., B.A.Sc.,
Vice-Chairman, and

W. J. MOORE, ESQ., O.L.S.,
Member.

IN THE MATTER OF Section 49 of
The Ontario Municipal Board Act
(R.S.O. 1937, Chapter 60), and

IN THE MATTER OF Section 23 of *The
Municipal Act* (R.S.O. 1937, Chap-
ter 266), and amending Acts there-
to,

AND IN THE MATTER OF the applica-
tion by the Corporation of the City
of St. Catharines for annexation to
the City of St. Catharines of parts
of the Township of Grantham.

UPON THE APPLICATION OF the said Corporation and upon considera-
tion of the material filed,

THE BOARD ORDERS, under and in pursuance of the provisions of
Section 49 of *The Ontario Municipal Board Act* (R.S.O. 1937, Chapter 60),
that its said Order dated the Ninth day of December, A.D. 1947, be and
the same is hereby amended by deleting all of the words following the
word "however" in the sixth line of Paragraph five thereof, and substitut-
ing therefor the words: "That upon any parcel so assessed being sub-
divided, in whole or in part, and the plan thereof registered, or sold off
in parcels, by a metes and bounds description, such land so subdivided
or any parcel or parcels so sold off, unless its *bona fide* use as farm property
is continued, shall forthwith become liable to assessment in accordance
with the provisions of *The Assessment Act*, and the remaining land and
buildings, if any, of such separate assessment, shall continue to be
assessed proportionately to the assessment established by Paragraph 4
hereof", so that the paragraph now reads:

"5. That, upon each such separate assessment being ascertained, as
provided in the preceding paragraph hereof, each such separate assess-
ment, including buildings, if any, shall remain, respectively, the assessment
of such parcel until the expiration of ten years from the date this Order
takes effect, provided, however, that upon any parcel so assessed being
subdivided, in whole or in part, and the plan thereof registered, or sold
off in parcels, by a metes and bounds description, such land so subdivided
or any parcel or parcels so sold off, unless its *bona fide* use as farm property
is continued, shall forthwith become liable to assessment in accordance
with the provisions of *The Assessment Act*, and the remaining land and
buildings, if any, of such separate assessment, shall continue to be assessed
proportionately to the assessment established by Paragraph 4 hereof".

(Sgd.) W. P. NEAR,
Vice-Chairman.

(Seal)

SCHEDULE C

(Crest)

P.F. B-3715

ONTARIO

THE ONTARIO MUNICIPAL BOARD

Friday, the Twenty-first day of November, A.D. 1947.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman, and

W. P. NEAR, ESQ., B.A.Sc.,
Vice-Chairman.

IN THE MATTER OF Section 49 of
The Ontario Municipal Board Act
(R.S.O. 1937, Chapter 60),

AND IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O. 1937,
Chapter 266), and amending Acts
thereto, and

IN THE MATTER OF the application
by the Corporation of the City of
St. Catharines for annexation to
the City of St. Catharines of parts
of the Township of Grantham.

UPON THE APPLICATION of the Corporation of the City of St. Catharines for an Order amending P.F. B-3715 dated the 15th day of August, A.D. 1945, and it appearing that an error occurred in the surveyor's description in the third paragraph of the Schedule attached to the said Order and upon hearing what was alleged by M. A. Seymour, K.C., counsel for the Corporation of the City of St. Catharines,

1. THIS BOARD DOTH ORDER that Paragraph 3 of the Schedule to said Order P.F. B-3715 dated Wednesday, the 15th day of August, A.D. 1945, be and the same is hereby struck out and the following substituted:

That part of the Municipality of the Township of Grantham composed of part of Lots 15 and 16 in Concession 8 and part of the Road Allowance between Lots 14 and 15 in the said Township of Grantham, and which may be more particularly described as follows: Commencing at the intersection of the easterly boundary of the Road Allowance between Lots 14 and 15 with the Northerly boundary of the lands of the Canadian National Railway; thence Northerly in the said Easterly boundary more or less to the Northwest angle of Lot 14; thence Southwesterly in the Southerly boundary of the Road Allowance between Concessions 7 and 8 to the Easterly boundary of Cliff Road as shown on Glenridge Plan No. 98 for the Township of Grantham; thence Southwesterly in the Easterly boundary of the said Cliff Road to the Northeast angle of Lot 443 as shown on the said Plan; thence southerly in the Easterly boundary of said Lot 443, 128.43 feet to its Southeast angle; which said point is in the Northerly boundary of the lands of the Canadian National Railway; thence Southeasterly in the said last mentioned boundary more or less to the place of beginning.

2. That this Order shall take effect when validated by an Act of the Legislature of the Province of Ontario confirming this Order.

(Seal)

(Sgd.) R. S. COLTER,
Chairman.

CHAPTER 123.

An Act respecting the City of Sault Ste. Marie.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of Sault Ste. Marie by its petition has represented that at the annual municipal election held by the Corporation on the 8th day of December, 1947, the following questions were submitted to the municipal electors: Preamble.

- (a) "Are you in favour of the Memorial Community Building being operated by a Commission?"
- (b) If the majority of the Municipal Electors vote "Yes" on the question (a) above,
 - (i) "Are you in favour of the Council appointing the said Commission?" or,
 - (ii) "Are you in favour of a commission of six (6), one to be elected from each Ward?"

And whereas 4,105 voted in the affirmative on question (a) above and 1,248 voted in the negative thereon, and whereas 1,493 voted in favour of question (b) (i) above, and 1,695 voted in favour of question (b) (ii) above, and the vote indicates that the municipal electors desire that the Memorial Community Building be operated by a commission of six members, one to be elected from each ward in the said City; and whereas the Corporation has prayed that an Act may be passed to provide for the establishment of such a Commission and to set out its powers and duties; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may by by-law, without the assent of the municipal electors, entrust the operation, control and management of the Memorial Community Building, the grounds appurtenant thereto and the

Establish-
ment of
Commission.

activities in connection therewith to a commission which shall be a body corporate, consisting of seven members to be called "Sault Ste. Marie Memorial Community Building Commission".

Membership
of Commis-
sion.

(2) Six of the members of the Commission shall be elected one from each ward in the said City at the same time and place and in the same manner as the members of the council, and the head of the council of the Corporation shall *ex officio* be the other member thereof, provided that a member of the council of the Corporation, other than the Mayor, and a member of any board or commission acting for or on behalf of such Corporation, shall not be eligible to be so elected.

First
election.

2. The council of the Corporation, if it deems it expedient, may take the necessary steps to have the members of the Commission elected before the next annual municipal election, in which case one-half of the first elected members shall hold office until their successors are elected at the election for municipal office for the year 1950 and the new Commission is organized; and the other one-half shall hold office until their successors are elected at the election for municipal office for the year 1951 and the new Commission is organized.

Term of
office.

3. Commencing with the election for municipal office for the year 1950, one-half of the elected members shall be elected annually and shall hold office for two years and until their successors are elected and the new Commission organized.

Idem.

4. At the first meeting of the Commission after the first election, members who are to hold office until the end of 1950 shall be chosen by lot.

Vacancies.

5. Where a vacancy among the elected members of the Commission occurs from any cause, the council of the Corporation shall immediately appoint a successor from the same ward from which his predecessor was elected and such successor shall hold office during the remainder of his predecessor's term.

Quorum.

6. A majority of the Commissioners shall constitute a quorum of the Commission.

Salaries.

7. The salaries of the members of the Commission shall, from time to time, be fixed by the council but the total of the salaries of the members shall not exceed, in all, the sum of \$4,000 per annum.

Officers.

8. The officers of the Commission shall consist of a chairman and vice-chairman, who shall be members of the Commission and who shall be elected annually by the members of

the Commission; a secretary; and a treasurer, who shall be the treasurer of the Corporation.

9. Every employee and servant of the Commission shall ^{Employees.} hold office during the pleasure of the Commission.

10. Profits on the operation of the Memorial Community ^{Disposition} Building, after adequate provision for operating expenses and ^{of profits.} depreciation, shall, if the council of the Corporation so directs, be paid to the treasurer of the City and shall be placed to the credit of Memorial Community Building Account and shall be available to the Commission with the approval of the council of the Corporation for the extension and improvement of the Memorial Community Building, the equipment thereof, and the improvement of the grounds, including such additional construction as may be necessary to conform to and carry into effect the plans originally prepared in connection therewith by G. Graham Reid, Consulting Engineer, and S. Kennedy Sinclair, Associated Architect, and now filed in the office of the city clerk of the City of Sault Ste. Marie; and if such funds are not required for the purposes aforesaid, they shall be used in payment of debentures issued by the Corporation for the purpose of providing the moneys required for the construction of the Memorial Community Building, the furnishing of equipment therefor, and the improvement of the grounds appurtenant thereto; and if such funds are not required for that purpose, they shall form part of the general funds of the Corporation.

11. If the operations of the Commission result in a deficit ^{Deficits.} as shown on the annual audited statement, the council, upon receiving application from the Commission and upon being satisfied that such funds are required by the Commission, shall include such deficit in the budget estimates for the year in which the application is made.

12. The Commission shall not have power to borrow ^{Borrowing} moneys for capital expenditures but may borrow from time to ^{powers.} time by way of promissory notes or otherwise, such sums as it may deem necessary for current expenditures but only upon the approval of the council of the Corporation by resolution.

13. Except where otherwise expressly provided, the provisions of sections 41 to 43 inclusive of *The Public Utilities Act* shall apply *mutatis mutandis* to the said Commission. ^{Application of Rev. Stat., c. 286, ss. 41-43.}

14. Except where otherwise expressly provided, the provisions of Parts II, III and IV of *The Municipal Act* which are applicable to members of the council of a local municipality, shall apply *mutatis mutandis* to the Commissioners to be elected under the provisions of this Act. ^{Application of Rev. Stat., c. 266, Pts. II, III, IV.}

Repeal of
by-law
establishing
Commission.

15. The council of the Corporation may at any time, with the assent of the municipal electors, repeal any by-law passed under section 1.

Commence-
ment of Act.

16. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

17. This Act may be cited as *The City of Sault Ste. Marie Act, 1948.*

CHAPTER 124.

An Act respecting the Town of Simcoe.

Assented to March 31st, 1948.

Session Prorogued April 16th, 1948.

WHEREAS the Corporation of the Town of Simcoe by Preamble. its petition has prayed for special legislation to confirm a certain order of the Ontario Municipal Board annexing parts of the Township of Woodhouse to the Town of Simcoe; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Order P.F. B-7100 of the Ontario Municipal Board ^{Annexation order} dated the 31st day of December, 1947, set out as Schedule A ^{confirmed.} hereto, is hereby confirmed.
2. The said Order shall be deemed to have had effect on ^{Effective date.} and after the 1st day of January, 1948.
3. This Act shall come into force on the day upon which it ^{Commence-ment of Act.} receives the Royal Assent.
4. This Act may be cited as *The Town of Simcoe Act, 1948.* ^{Short title.}

SCHEDULE A

P.F. B-7100

THE ONTARIO MUNICIPAL BOARD

Wednesday, the thirty-first day of December, A.D. 1947.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, and

R. H. YEATES, Esq.,
Member.

IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266) and amending Acts thereto, and

IN THE MATTER OF an application by the Corporation of the Town of Simcoe for annexation thereto of certain lands in the Township of Woodhouse, and

IN THE MATTER OF By-law No. 1123 of the Corporation of the Town of Simcoe.

UPON THE APPLICATION OF the Corporation of the Town of Simcoe and upon reading its By-law No. 1123 authorizing an application to this Board for an Order annexing parts of the Township of Woodhouse to the Town of Simcoe and upon hearing what was alleged by Counsel for the Corporation of the Town of Simcoe and upon being satisfied that Notice of the hearing had been given as directed by the Board and upon holding a public hearing on the Fifteenth day of October, 1947, in the Town Hall in the Town of Simcoe and upon hearing evidence adduced by property owners affected and what was alleged by the Reeve and Clerk of the Township of Woodhouse and no private property owner in the area affected appearing and opposing such annexation.

THIS BOARD DOETH ORDER AND PROCLAIM that parts of the Township of Woodhouse, in the County of Norfolk being:

Firstly: Part of Lot Number One in the Sixth Concession of the said Township of Woodhouse containing five acres more or less being all the land shown on the Plan of Sub-division entitled "Osborne Gardens" registered in the Norfolk Registry Office as Plan 148 which lie east of the present eastern Corporation boundary of the Town of Simcoe; and

Secondly: A part of Lot Number One in the Sixth Concession of the Township of Woodhouse and more particularly described as follows: Commencing at a point distant one hundred feet measured on a course of South fifty-two degrees and seventeen minutes East from an iron bar set at the intersection of the Easterly limit of the Town of Simcoe, in the said County of Norfolk, with the southerly limit of Argyle Street, in said Town, which said iron bar is distant eight hundred and forty-five feet and six inches measured on a course of South fifteen degrees and forty minutes East along said Easterly limit from the intersection of said Easterly limit with the northerly limit of Block Number 83A of said Town, according to a plan of said Town registered in the Registry Office for the said County of Norfolk as Number 182, said point of commencement being the south-west angle of the land described in Instrument Number 126835 of said Registry Office; thence from said point of commencement North forty-three degrees and forty-two minutes east one hundred and sixty-six feet and ten inches; thence South twenty-four degrees and eighteen minutes East one hundred and thirty-seven feet and one inch; thence in a straight line be the distance what it may to an iron bar set at the distance of one hundred feet measured on a course of South fifty-two degrees and seventeen minutes east from said point of commencement; and thence

North fifty-two degrees and seventeen minutes East one hundred feet to said point of commencement; and

Thirdly: A part of Lot Number One in the Sixth Concession of the said Township of Woodhouse and being more particularly described as follows: Commencing at an iron bar set at the intersection of the Easterly limit of the Town of Simcoe, in the said County of Norfolk, with the southerly limit of Argyle Street, in said Town, which said iron bar is distant eight hundred and forty-five feet and six inches measured on a course of South fifteen degrees and forty minutes East along said Easterly limit from the intersection of said Easterly limit with the Northerly limit of Block Number 83A of said Town, according to a plan of said Town registered in the Registry Office for the said County of Norfolk as Number 182; thence North thirty-four degrees and eighteen minutes East one hundred and fifty feet; thence North sixty-nine degrees and twenty-six minutes East seventy-three feet and six inches; thence South twenty-four degrees and eighteen minutes East ninety-nine feet and five inches; thence South forty-three degrees and forty-two minutes West one hundred and sixty-six feet and ten inches; and thence North fifty-two degrees and seventeen minutes West one hundred feet to the place of beginning, be and the same are hereby annexed to the Town of Simcoe.

AND THE BOARD RECOMMENDS that the said annexation shall take effect as and from the First day of January, A.D. 1948.

(Seal)

R. S. COLTER,
Chairman.

CHAPTER 125.

An Act respecting the Township of South
Dorchester.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the Township of South Preamble.
Dorchester by its petition has prayed for special
legislation to confirm an order of the Ontario Municipal Board
annexing that part of the Police Village of Belmont and the
lands therein composed of part of the Township of Yarmouth,
in the County of Elgin, and parts of the Townships of North
Dorchester and Westminster, in the County of Middlesex,
to the Township of South Dorchester; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order P.F. B-7596 of the Ontario Municipal Board Annexation
order con-
dated the 23rd day of February, 1948, set out as Schedule A firm.
hereto, is hereby confirmed.

2. The said Order shall come into effect on the 1st day of Effective
date.
January, 1949.

3. The Township of South Dorchester shall assess the pro- Assessment
and taxa-
perties in the annexed areas for taxation purposes for the tion for
1949.
year 1949 at the same time and in the same manner as other
assessments are made within the boundaries of the Township
of South Dorchester for taxes payable for and in the year 1949,
and all rates levied on property within the boundaries of the
Township of South Dorchester shall be levied against the
properties in the annexed areas in the year 1949 by the
Township of South Dorchester, and shall be payable to the
Township of South Dorchester at the same time and in like
manner as all other rates levied in the year 1949.

4. All taxes imposed by the Township of Yarmouth, the Collection
of 1948
Township of North Dorchester and the Township of West- taxes.
minster in the annexed areas up to the 31st day of December,

1948, and all arrears of taxes in the said annexed areas shall belong to the said townships respectively, and any such arrears after the 31st day of December, 1948, shall be payable to and collectable by the treasurer of the Township of South Dorchester in the same manner as taxes owing to the Township of South Dorchester, and the treasurer shall remit such payments to the clerks of the Townships of Yarmouth, North Dorchester and Westminster respectively.

Adjustment
of assets
and lia-
bilities.

5. All adjustments of assets and liabilities as between the Townships of South Dorchester, Yarmouth, North Dorchester and Westminster and the Counties of Elgin and Middlesex shall be as agreed upon, and in default of agreement, as the Ontario Municipal Board deems equitable.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Township of South Dorchester Act, 1948.*

SCHEDULE A

P.F. B-7596

PROVINCE OF ONTARIO

THE ONTARIO MUNICIPAL BOARD

Monday, the 23rd day of February, A.D. 1948.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman,

and

W. J. MOORE, Esq., O.L.S.,
Member.IN THE MATTER OF Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266), (as re-enacted by O.S. 1939, Chapter 30, Section 2) and amended by O.S. 1947, Chapter 69, Section 2, and

IN THE MATTER OF an application by the Corporation of the Township of South Dorchester for annexation thereto of the Police Village of Belmont (more particularly hereinafter described).

Upon the application of the said Corporation and the same having come on for hearing before this Board on the 3rd day of February, A.D. 1948, at the Board's Chambers, in the Parliament Buildings in the City of Toronto in the presence of Charles Cousins, Warden, and W. A. Sutherland, Clerk of the Corporation of the County of Middlesex, and W. D. J. Moss, Solicitor for the said County of Middlesex, all appearing for the said Corporation of the County of Middlesex, W.C. Barons and Gordon Smith, Trustees of the Police Village of Belmont, M. D. Charlton, Clerk of the Corporation of the Township of South Dorchester, for the said Corporation of the Township of South Dorchester, and James C. Jenkins, Warden of the Corporation of the County of Elgin, for the said Corporation of the County of Elgin, and upon reading certified copy of By-law Number 467 of the Corporation of the Township of South Dorchester, passed on the 29th day of December, 1947, and certified copy of resolution of the Corporation of the County of Elgin passed on the 17th day of November, 1947, filed with the Board authorizing an application for annexation of the Police Village of Belmont to the Corporation of the Township of South Dorchester and the Corporations of the County of Elgin and Townships of South Dorchester, Yarmouth and North Dorchester and the Municipality of the Police Village of Belmont consenting, and upon being satisfied that public notice of the hearing had been given as directed by the Board.

THIS BOARD DOETH ORDER that that part of the Police Village of Belmont and the lands therein composed of part of the Township of Yarmouth in the County of Elgin and parts of the Townships of North Dorchester and Westminster in the County of Middlesex described as follows:

(1) That portion of Lot 17 in the 15th Concession of the Township of Yarmouth in the County of Elgin described as follows:

Commencing at a point in the north-east angle of said Lot 17; thence south 72 degrees 0 minutes west along the southerly limit of the Town Line between the Townships of Yarmouth and Westminster, seven hundred and forty-six feet and seven and one-half inches (746' 7½") more or less to its intersection with the line between the east and west halves of the original road allowance between Lots 16 and 17 in the 15th Concession of the Township of Yarmouth; thence

south 2 degrees 32 minutes west along the centre line of said road allowance, seven hundred and sixty feet (760' 0") more or less to its intersection with the southerly limit of the right-of-way of the Canadian Pacific Railways; thence north-easterly along the southerly limit of the said right-of-way, one thousand one hundred feet (1,100' 0") more or less to its intersection with the westerly limit of the Town Line between the Townships of Yarmouth and South Dorchester; thence northerly along the westerly limit of the said Town Line two hundred and twenty-nine feet (229' 0") more or less to place of beginning.

(2) Lot Number 1 in the Seventh Concession of Westminster Township.

(3) The south half of the south half of Lot 24 in the Sixth Concession of the Township of North Dorchester,

be and the same are hereby annexed to the Corporation of the Township of South Dorchester in the County of Elgin.

R. S. COLTER,
Chairman.
(Seal)

CHAPTER 126.

An Act respecting the Township of Stamford.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the Township of Stamford ^{Preamble.} by its petition has represented that it has entered into an agreement with The Niagara, St. Catharines and Toronto Railway Company respecting an exclusive bus transportation franchise and that the by-law hereinafter mentioned has received the assent of the electors of the Corporation of the Township of Stamford; and whereas the petitioner has prayed for special legislation validating the said by-law and the agreement entered into securing to The Niagara, St. Catharines and Toronto Railway Company an exclusive bus transportation franchise upon the terms and conditions provided in the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) By-law Number 1093, 1947, passed by the council of the Corporation of the Township of Stamford on the 22nd day of December, 1947, relating to the granting of an exclusive transportation franchise for bus service within the limits of the Township of Stamford to The Niagara, St. Catharines and Toronto Railway Company, set out in Schedule A hereto, and the Agreement between the Corporation of the Township of Stamford and The Niagara, St. Catharines and Toronto Railway Company set out in schedule 1 to the By-law, are hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Township of Stamford in the same manner and to the same extent as if set out at length in this Act, and the provisions thereof were enacted in this Act; and the council of the Corporation of the Township of Stamford is hereby authorized and empowered to pass such other by-laws and enter into such agreements and do all such other acts, matters or things as may be deemed necessary by the council for the full and proper carrying out and enforcement of the provisions of the said Agreement, and do any and all acts, matters or things that may be neces-

sary to secure to The Niagara, St. Catharines and Toronto Railway Company an exclusive transportation franchise for bus service within the limits of the Township of Stamford as provided in the said Agreement.

Dept. of
Highways'
powers not
affected.

(2) Nothing in the said by-law and the said Agreement or any agreement entered into pursuant thereto shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Rev. Stat.,
c. 289.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Township of Stamford Act, 1948*.

SCHEDULE A

THE CORPORATION OF THE TOWNSHIP OF STAMFORD

BY-LAW NUMBER 1093, 1947

A By-law to authorize a certain Agreement between the Corporation of the Township of Stamford and The Niagara, St. Catharines and Toronto Railway Company, granting to The Niagara, St. Catharines and Toronto Railway Company the rights, privileges and franchises, and upon the terms and conditions in the said Agreement mentioned.

WHEREAS by virtue of an existing franchise The Niagara, St. Catharines and Toronto Railway Company are the Owners and Operators of a Transportation System employing Street Cars, and it is deemed advisable to replace the same by a system of Motor Buses, and the said Railway Company has agreed to relinquish its franchise upon the terms and conditions in the Agreement set forth under schedule One, hereto;

BE IT THEREFOR ENACTED by the Municipal Council of the Corporation of the Township of Stamford as follows:

1. The Reeve and Clerk of the Township of Stamford are hereby authorized, instructed and directed to execute the Agreement set forth in Schedule 1 hereto, which is hereby incorporated in and made a part of this By-law, to attach the seal of the Corporation thereto, and forthwith thereafter to deliver the same to The Niagara, St. Catharines and Toronto Railway Company.

2. This By-law shall take effect on the day of the passing thereof, subject to its being assented to by the Municipal Electors.

3. The Reeve, Clerk and other Municipal Officers of the Township of Stamford are hereby authorized to take such steps and proceedings and do such things as may be reasonably requested by the Railway to procure the passing of an Act of the Legislature of the Province of Ontario, approving and validating this By-law and the said Agreement and granting to the Corporation of the Township of Stamford all necessary and incidental powers to enable the said Corporation to carry out and do all things to be carried out and done by it under the said Agreement, all at the expense of the Township of Stamford.

FIRST READING—November 10, 1947.

SECOND READING—December 22, 1947.

FINAL PASSAGE—December 22, 1947.

(Sgd.) BEN R. PRIOR,
Reeve.

(Seal)

(Sgd.) A. C. HUGGINS,
Clerk.

Schedule 1.

THIS INDENTURE made in triplicate the 30th day of September, One Thousand Nine Hundred and Forty-seven.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF STAMFORD,
hereinafter called the "Corporation",

OF THE FIRST PART,

—and—

THE NIAGARA, ST. CATHARINES AND TORONTO RAIL-
WAY COMPANY, hereinafter called the "Railway",

OF THE SECOND PART.

WHEREAS under a certain Indenture made the 19th day of September, 1924, between Canadian National Electric Railways and The Corporation

of the Township of Stamford, the Corporation granted to the Canadian National Electric Railways for a term of twenty (20) years from the 1st day of January, 1924, or until the termination thereof as in the said Indenture provided, the exclusive right, franchise and privilege to construct, reconstruct, maintain, lease, own and operate a transportation system.

AND WHEREAS by Indenture dated the 19th day of December, 1928, Canadian National Electric Railways assigned unto the Railway the above recited Indenture and the franchises, rights, powers and privileges thereby granted and all benefits and advantages to be derived therefrom.

AND WHEREAS the Corporation has requested the Railway to replace the present street car system with buses and the Railway has agreed thereto on the terms and conditions hereinafter provided;

NOW THEREFORE THIS INDENTURE WITNESSETH that for valuable consideration the parties hereto covenant and agree as follows:—

1. The Railway agrees to operate a transportation system by motor buses within the limits of the Corporation upon the terms and conditions hereinafter set forth.

2. The Corporation hereby grants to the Railway for the term of Fifteen (15) years from the date this Agreement becomes effective or until the termination thereof by the Railway as hereinafter provided, the exclusive right, franchise and privilege to own and operate a transportation system by means of motor buses within the limits of the Corporation and for the said purpose to use and occupy the streets of the Corporation and to operate thereon, motor buses; PROVIDED that should the Railway sustain a loss in operation for two (2) years in succession, it will have the right to surrender this Agreement upon giving to the Corporation one (1) year's notice in writing of its intention to do so.

3. The routes to be followed by the motor buses operated by the Railway will be determined from time to time by the Superintendent of the Railway after consultation with the Council of the Corporation; PROVIDED that if, at any time, the Corporation is not satisfied with the decision of the Superintendent it may submit the matter of routes for a decision by arbitration to the Ontario Municipal Board to determine the changes, if any, that should be made in the route of the said buses. The Ontario Municipal Board shall not order any change of route if the same shall impair the then existing or future ability of the Railway to earn a profit on the operation of the route in question.

4. The Railway may charge the following fares:

(a) For transportation of passengers between points within the limits of the Corporation and between such points and the intersection of Main and Ferry Streets in the City of Niagara Falls notwithstanding that the route of the bus in question may pass through a portion of the City of Niagara Falls:

ADULTS:	
Cash.....	10c
Tickets.....	4 for 25c
CHILDREN:	
Cash.....	4c
Tickets.....	7 for 25c

(b) For transportation of passengers between points within the Corporation and the City of Niagara Falls, except between such points within the Corporation and the intersection of Main and Ferry Streets in the City of Niagara Falls:

ADULTS:	
Cash.....	10c
Tickets.....	3 for 25c

The rates of fare for children shall apply to any child fifty-one (51*) inches in height or less; no child other than an infant-in-arms shall be carried free.

PROVIDED that if at any time after the operation of buses for one (1) year the Railway is unable to make a profit on the operations, then it may increase the fares to an amount sufficient to enable it to earn a reasonable profit and if the Corporation is dissatisfied with the increased fares it may apply to the Ontario Municipal Board as an arbitrator to determine the fares which shall be charged by the Railway. In determining the amount of such increase in fares the Ontario Municipal Board shall take into consideration the fact that the Railway is entitled to earn a reasonable profit on its operations.

5. The Railway will keep a separate Accounting System for the operation of the transportation system in the Corporation which will show all revenue received from the operations within the Corporation and all expenses in connection therewith.

6. The Railway will be exempt from all taxation by the Corporation in respect of its property and operations in connection with its transportation system, except any real estate which it shall or may hereafter acquire within the Corporation.

7. The Corporation agrees to keep open for traffic all the streets under the control of the Corporation on which buses are operated, without cost to the Railway.

8. It is understood that no part of the cost of the present street railway system shall be included in the cost of the transportation system herein contemplated, except such part thereof as may be used for garages or work shops in connection therewith.

9. The Railway will remove the rails of the Street Railway System where they are in open track construction along Livingston Street and Stanley Avenue and the Corporation will do any filling or repair work which may be necessary after the removal of the said rails.

10. The Railway will remove the rails and ties of the Street Railway System on Lundys' Lane from the limits of the City of Niagara Falls to Dorchester Street and the Corporation will do all the necessary filling and paving at the expense of the Corporation.

11. The Railway hereby transfers to the Corporation all its right, title and interest in the rails on Portage Road from Stanley Avenue to Livingston Street and the Corporation hereby relieves the Railway from all obligations to repair and maintain any portion of the streets occupied by the said rails. The Corporation will indemnify the Railway against all liability in respect thereof.

12. The Railway agrees to remove from the streets of the Corporation all poles and wires used in connection with the Street Railway System, except such poles as the Corporation may request the Railway to leave in place for the use of the Corporation. Any poles which are left in place at the request of the Corporation shall become the property of the Corporation and the Railway will have no further obligations in respect thereof.

13. During the term of this Agreement or any extensions or renewal thereof, the Corporation shall not give or grant, or permit to be granted to any other person or corporation any right, privilege, license or franchise to operate within the Corporation any bus, jitney or other vehicle for the purpose of transportation which in any way depreciates the rights, privileges and franchises hereby granted or which shall or may come into competition with the transportation system of the Railway.

In no case shall such bus, jitney or other vehicle be permitted to take on passengers within the Corporation and discharge such passengers, within the Corporation.

Nothing herein contained shall apply to vehicles such as automobiles, cabs or taxi-cabs hired for special trips and having a maximum rated carrying capacity not exceeding seven (7) passengers, and vehicles used

exclusively for transporting school children under contract with the Board of Education of the Corporation.

14. The Council of the Corporation will submit a By-law setting forth the terms of this Agreement to the Municipal Electors of the Corporation for their assent.

After the Municipal Electors have assented to the said By-law the Corporation agrees to do everything necessary to obtain the ratification of this Agreement and the said By-law forthwith by Act of the Legislative Assembly of the Province of Ontario.

15. The Corporation shall from time to time pass such By-laws, take such action and do such things as may be reasonably requested by the Railway for the purpose of fully effectuating the objects and intent of this Agreement and more particularly, such By-laws as the Railway may request and as the Corporation may lawfully pass to enable the Railway to exercise the exclusive right to carry passengers for hire within the Corporation as hereinbefore provided.

16. The Corporation grants to the Railway insofar as it lawfully may do so the exclusive right to transport passengers between the Corporation and the City of Niagara Falls.

17. The Corporation agrees to support any applications which the Railway may make for such authority as may be necessary to enable the Railway to transport passengers between the Corporation and the City of Niagara Falls.

18. This Agreement shall take effect when the By-law authorizing the execution thereof has been assented to by the Municipal Electors and the said By-law and this Agreement have been approved and validated by an Act of the Legislature of the Province of Ontario.

19. Upon the coming into effect of this Agreement the hereinbefore recited Agreement dated the 19th day of September, 1924, shall be terminated and each of the parties thereto shall be relieved of all obligations thereunder.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals attested by the proper officers in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of:

THE CORPORATION OF THE TOWNSHIP OF STAMFORD.

BEN. R. PRIOR,
Reeve.

A. C. HUGGINS,
Clerk.

THE NIAGARA, ST. CATHARINES AND
TORONTO RAILWAY COMPANY.

N. B. WALTON,
Vice-President.

W. H. WOOD,
Secretary.

CHAPTER 127.

An Act respecting The Strathroy General Hospital.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the Town of Strathroy by Preamble.
its petition has represented that since 1912 the Hospital has been under the direction of a governing body appointed annually by the council of the said Corporation under the authority of by-law number 691, dated the 16th day of July, 1912; and whereas it appears that such by-law is *ultra vires*; and whereas the said Corporation has prayed for special legislation in order that the management of the Hospital may be established on a proper basis; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "Board" shall mean the Board of Governors of The "Board";
Strathroy General Hospital;
- (b) "Council" shall mean the council of the Corporation "Council";
of the Town of Strathroy; and
- (c) "Hospital" shall mean The Strathroy General "Hospital".
Hospital.

2.—(1) The Hospital shall be under the management and Board.
administration of the Board.

(2) The Board shall consist of six members to be appointed Composition.
by the Council, and the mayor and reeve of the Corporation
of the Town of Strathroy shall be *ex officio* members.

(3) Of the members of the Board first appointed by the Term.
Council, two shall hold office until the end of the first year
after the year of their appointment, two shall hold office until
the end of the second year after the year of their appointment,
and two shall hold office until the end of the third year after

the year of their appointment, and thereafter every member appointed shall hold office for a period of three years.

Successors.

(4) The members of the Board shall remain in office until their successors are appointed or take office, as the case may be.

Re-appoint-
ment of
member.

3. A member of the Board whose term of office has expired may be re-appointed.

Appoint-
ment for
unexpired
term.

4. Whenever, from any cause, the office of an appointed member of the Board becomes vacant before the expiration of his term of office, the Council shall without unnecessary delay appoint a successor so as to keep the membership of the Board up to the full number of eight, and the person so appointed shall hold office for the remainder of the term of the member whose place he is appointed to fill.

Quorum.

5. Five members shall constitute a quorum of the Board.

Assets
vested.

6. All personal property vested in the Hospital or its governing body when this Act comes into force shall be vested in the Board.

Acquisition
of property.
Rev. Stat.,
c. 390.

7. Subject to *The Public Hospitals Act*, the Board may acquire any real and personal property which it may from time to time consider necessary for the purpose of properly conducting the Hospital, and may erect and maintain such buildings as may be necessary for that purpose.

Board a
corporation.

8. The Board shall be a corporation under the name of "The Strathroy General Hospital", and by that name shall have perpetual succession and a corporate seal and may under that name sue and be sued, and shall have all the powers and privileges conferred upon it by this Act, and all the other powers, privileges and immunities vested by law in a corporation necessary or proper for the carrying out of its objects.

Borrowing
power.

9. The Corporation of the Town of Strathroy may, from time to time, by by-law passed with the assent of the electors of the Town of Strathroy qualified to vote on money by-laws under *The Municipal Act*, borrow upon debentures for the Hospital such sums of money as may be necessary for renewing, improving, enlarging or adding to the Hospital and the equipment thereof.

Rev. Stat.,
c. 266.

Deposits.

10.—(1) All moneys received by the Board or by the superintendent of the Hospital for the Hospital shall be deposited in an account to be kept in the name of the Board in a chartered bank in the Town of Strathroy.

Cheques.

(2) All cheques drawn upon the said account shall be

signed by such officer or officers as the Board may appoint for that purpose.

11. The Board may invest in such securities as may be ^{Investments.} authorized by law for investment by trustees any moneys which at any time come into its possession in connection with the Hospital.

12. Subject to *The Mortmain and Charitable Uses Act*, ^{Power to accept gifts.} the Board shall be capable of receiving and taking from the Crown and from any person by grant, gift, advance or bursar, ^{Rev. Stat., c. 149.} wise, any land or interest in land, or any goods, chattels, moneys or effects for use in connection with the construction, operation or maintenance of the Hospital.

13. Subject to *The Public Hospitals Act*, the Board shall ^{Management of Hospital.} have the conduct and management of the Hospital with power to appoint and to remove at pleasure the secretary or bursar, the medical and other superintendents and their assistants, and clerks and all other officers and servants whom it may deem proper to engage for the purposes of the Hospital, and to fix the salaries of the employees and to regulate their privileges and duties, and shall have the general control, direction and management of the Hospital, including the fees to be charged patients for accommodation in the Hospital, and of the expenditure of all moneys received or provided for the construction or improvements of the Hospital and for the operation and maintenance thereof.

14.—(1) The Board shall account to the Council for all ^{Reports.} moneys received and paid out by the Board.

(2) The Board shall make an annual report to the Council ^{Idem.} on the work performed by the Board and furnish such statements and reports to the Council at such times as the Council may require.

15. Subject to *The Public Hospitals Act*, the Board shall ^{By-laws.} have power to enact by-laws providing for the administration of the Hospital and the conduct of professional practice therein.

16. This Act shall come into force on the day upon which ^{Commence-ment of Act.} it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1948.

17. This Act may be cited as *The Strathroy General Hos-^{Short title.}pital Act, 1948.*

CHAPTER 128.

An Act respecting Wesley Gardiner
Thompson, M.P.P.

*Assented to March 31st, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS Wesley Gardiner Thompson, member of the Preamble.
Legislative Assembly of Ontario, by his petition has represented that he and his wife Anna Corneil Thompson are the owners as joint tenants and not as tenants in common of all and singular that certain parcel of land and premises situate, lying and being in the township of Howard, in the County of Kent, in the Province of Ontario, being composed of lot number 84 south on Talbot Road in the said township of Howard, save and except 4 acres thereof more or less heretofore expropriated by His Majesty the King in right of the Province of Ontario as represented by the Minister of Highways, which last-mentioned portion of land is described in a plan filed in the Registry Office for the Registry Division of the County of Kent on the 6th day of February, 1922, by the Deputy Minister of Highways; and that the said lands have served the purpose for which they were expropriated; and whereas the said Wesley Gardiner Thompson, being desirous of purchasing them for use for farming purposes, has prayed that an Act be passed to permit him so to do without thereby rendering his seat in the Assembly vacated and without rendering him ineligible as a member of or to sit or vote in the Assembly; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Wesley Gardiner Thompson, member of the Power to purchase land without vacating seat in Assembly.
Legislative Assembly of Ontario, may bargain for and purchase from His Majesty the King in right of the Province of Ontario as represented by the Minister of Highways the lands described as being:

ALL AND SINGULAR that certain parcel of land and premises situate, lying and being in the township of Howard in the County of Kent, in the Province of Ontario and being composed of part of lot number 84, south on Talbot Road in the said township of Howard, containing by measurement 4 acres more

or less, more particularly described by metes and bounds as follows: Commencing at the intersection of the existing southerly limit of the Talbot Road with the existing line between lot number eighty-three (83) and eighty-four (84) in the South Talbot Road concession of the said township of Howard; thence South-westerly along the said existing southerly limits of the Talbot Road five hundred and fifteen and three-tenths feet; thence South forty-three degrees east two hundred and ninety-one feet to a stake; thence North fifty-six degrees and twenty-four minutes East, five hundred and twenty-six and eight-tenths feet more or less to a point in the line between lots eighty-three and eighty-four; thence North forty-three degrees and forty minutes West, three hundred and seventy-seven and eight-tenths feet more or less to the place of beginning,

and his seat in the Assembly shall not thereby be vacated nor shall he thereby be rendered ineligible as a member of or to sit or vote in the Assembly.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The W. G. Thompson Act, 1948*.

CHAPTER 129.

An Act respecting the City of Toronto.

*Assented to April 16th, 1948.
Session Prorogued April 16th, 1948.*

WHEREAS the Corporation of the City of Toronto by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The agreement made between the Corporation of the Agreement
between
City of Toronto and the Board of Education for the City of
Toronto dated the 31st day of January, 1948, respecting the
installation of swimming pools in school buildings, set forth
as Schedule A hereto, is hereby ratified and confirmed and
declared to be legal, valid and binding upon the parties thereto
and the ratepayers of the Corporation.

2.—(1) The council of the Corporation may release His Sunnybrook
Park deed
amendment
authorized.
Majesty the King in right of Canada from the trusts and
restrictive clauses contained in a deed dated the 19th day of
June, 1944, and authorized by section 3 of *The City of Toronto* 1944, c. 84.
Act, 1944, from the Corporation to His Majesty the King in
right of Canada of the lands known as "Sunnybrook Park",—

- (a) to enable the dedication of such parts of the westerly
part thereof as a public highway as may be required
from time to time to form part of Bayview Avenue;
and
- (b) to authorize replacement of the fence and gates along
the westerly limit thereof including the erection of
new entrance gates.

(2) The power granted in this section shall be exercised in Consent to
variation of
trust or
obligation
required.
accordance with the terms of any trust or obligation pertaining
to the lands known as "Sunnybrook Park" as such terms may
be varied with the consent of the persons lawfully entitled
so to do.

Release of
St. Patrick's
Square.

3. The lands described in Schedule B hereto are hereby released from any trust or limitation which may have been created when the council of the Corporation accepted a conveyance of the said lands and passed a resolution dated the 10th day of October, 1859, directing that the lands so taken should be appropriated as a public square for the use of the inhabitants of the City of Toronto and should be called St. Patrick's Square.

North
Toronto
Community
Corporation
agreement
confirmed.

4.—(1) The agreement made between the Corporation and the North Toronto Community Corporation dated the 10th day of December, 1947, set forth as Schedule C hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the ratepayers of the Corporation of the City of Toronto.

Estimates.

(2) Notwithstanding the terms of the said agreement, the board established pursuant thereto shall on or before the 1st day of February in each year submit to the council of the Corporation, for its consideration and approval, its estimates of all moneys required for the year, showing its estimated revenues and expenditures.

Expenditure.

(3) Such board shall not spend any money except that included in its estimates approved as aforesaid or unless the expenditure of such money has been approved by the council.

New
board,—
appoint-
ment;

(4) If the City Auditor certifies that any money is spent contrary to this section, the council of the Corporation may, by by-law, declare that the said board is dissolved and appoint a new board to replace the members of the dissolved board provided that not more than two members shall be nominees of the North Toronto Community Corporation.

membership;

(5) The members of such new board shall be appointed to complete the terms of the members of the dissolved board, and upon such completion, the council may appoint new members for further terms or re-appoint members from time to time to carry out the provisions of the agreement, provided that not more than two members shall be nominees of the North Toronto Community Corporation.

powers.

(6) The new board shall have all the powers and perform all the duties of the dissolved board.

Speed of
street cars.

5.—(1) The council of the Corporation may pass by-laws for limiting the speed of street cars or other cars of electric railways running only on rails within the municipality.

Penalties.

Rev. Stat.,
c. 266.

(2) The provisions of section 520 of *The Municipal Act* shall apply *mutatis mutandis* to this section.

(3) No part of any by-law passed under this section shall come into force without the approval of the Ontario Municipal Board. Approval of Ontario Municipal Board.

6.—(1) Subject to the approval of the Minister of Municipal Affairs, the Trustee Board established pursuant to section 1 of *An Act respecting the City of Toronto*, being chapter 86 of the Statutes of Ontario, 1903, as amended by section 5 of *An Act respecting the City of Toronto*, being chapter 95 of the Statutes of Ontario, 1907, may provide by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both His Majesty and an insurer as aforesaid, annuities for widows of members of the Toronto Fire Department who have died by accident or from the result of accident while they were engaged in the actual performance of their duties. Trustees, Firemen's Permanent Relief Fund, powers extended. 1903, c. 86. 1907, c. 95. R.S.C., c. 7. Rev. Stat., c. 256.

(2) Upon expenditure of the balance of the funds in their possession for the purpose set out in subsection 1 or for any of the purposes set out in the said *An Act respecting the City of Toronto*, being chapter 86 of the Statutes of Ontario, 1903, the members of the said Trustee Board, and each of them, shall be released and forever discharged from the powers, duties or trusts imposed upon them by the provisions of the said Act and the Firemen's Permanent Relief Fund shall be deemed to be dissolved. Firemen's Permanent Relief Fund dissolved.

7. In connection with the construction of a traffic artery known as Don Valley highway, the council of the Corporation may acquire by purchase or expropriation from the rector and church wardens of St. James' Cathedral Toronto that part of St. James' Cemetery lying to the north-east of Rosedale Valley Road in the City of Toronto, no part of which lands has been used for the interment of the dead. Authority to acquire cemetery lands.

8.—(1) The council of the Corporation may by by-law authorize the head of its Welfare Department to expend money on behalf of persons unable to pay arrears of rent or other fees or costs to prevent the eviction of such persons from residential accommodation. Grants to prevent evictions authorized.

(a) A by-law passed pursuant to this section may provide that it shall have effect from the 1st day of January, 1945. Retroactive effect.

(2) Upon payment by the Corporation after the 1st day of January, 1948, of any amount pursuant to the authority contained in this section the Corporation may recover from the person on whose behalf the amount was expended, or, in the event of his decease, from his estate or personal repre-

sentative, the amount of the payment so made, and the same may be recovered in any court of competent jurisdiction.

Agreement
between the
Town of
Weston, the
Township of
York and
the Toronto
Transporta-
tion Com-
mission
validated.

9.—(1) The agreement made between the Corporation of the Town of Weston, the Corporation of the Township of York and the Toronto Transportation Commission dated the 22nd day of December, 1947, respecting the operation of trolley coaches upon the Weston Road within the limits of the said Town and Township, set forth as Schedule D hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the ratepayers of the said Corporations.

Corpora-
tions not
liable for
negligent
operation
of trolley
coaches.

(2) All claims, actions and demands arising from or relating to alleged negligence in the operation of "trolley coaches", as defined in the said agreement, operated by the Toronto Transportation Commission upon behalf of the said Corporations under the provisions of the said agreement, shall be made upon and brought against the said Commission and not upon or against the Corporation of the Town of Weston or the Corporation of the Township of York.

Smoke
by-laws.

10.—(1) The council of the Corporation of the City of Toronto may pass by-laws:

1. For regulating the erection, construction, reconstruction, installation, alteration, repair, maintenance, operation and use of furnaces, incinerators, refuse burning equipment, outside open fires, boilers, chimneys, flues, smoke stacks and other apparatus, devices, mechanisms or structures used in or in connection with the process of burning fuel or other combustible material; and for requiring that plans and specifications therefor shall be filed with and approved by a designated official of the municipality and that without such approval no such erection, construction, reconstruction, installation, alteration or repair shall be commenced; and for requiring that the work so approved shall be commenced and proceeded with within one year from the date of such approval, and that otherwise such approval shall be void; and for inspecting the work when completed and for issuing a certificate that the work complies with the plans and specifications filed and with the by-law; and for providing that without such certificate no such apparatus, device, mechanism or structure shall be operated or used; and for charging fees for such approval of plans and specifications and for such certificates.

- (a) A by-law passed pursuant to this paragraph shall not require the submission of plans and specifications, the issue of permits or certificates or the charging of fees in the case of routine maintenance work or minor alterations or repairs which do not change the

capacity of the fuel burning equipment or the method of combustion or do not adversely affect the production, emission or discharge of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion.

2. For prohibiting, except to such extent as the by-law may provide, or regulating the emission or discharge to the atmosphere of smoke, dust, fly ash, soot, fumes or other solid or gaseous product of combustion from the apparatus, devices, mechanisms or structures referred to in paragraph 1, and for defining the words "smoke", "dust", "fly ash", "soot" and "fumes".

3. For appointing officers to administer and enforce any by-law passed under this section; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with, and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the apparatus, devices, mechanisms or structures referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission or discharge to the atmosphere of the products of combustion referred to in paragraph 2.

4. For authorizing the officer of the municipality charged with the enforcement of any by-law or resolution passed pursuant to this section, to permit deviations or exemptions from the requirements of the by-law or resolution.

5. For requiring persons engaged in selling or leasing for installation in the municipality any apparatus, devices, mechanisms or structures referred to in paragraph 1 to report within ten days after every such sale or lease particulars thereof to an officer designated in the by-law.

6. For establishing a board composed of not more than seven members, a majority of whom shall not be members of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of members of the board, the number constituting a quorum and the procedure on appeals.

(a) Any person may appeal from a decision of the board established under this paragraph to the Ontario Municipal Board whose decision shall be final.

7. For providing that, where any prior existing chimney or stack is so located that the emissions or discharges therefrom

are a nuisance to the occupants of any building or structure subsequently erected or where any building or structure subsequently erected adversely affects the draft of any such chimney or stack, such nuisance shall be abated or the adverse effect upon such draft shall be corrected, as the case may be, either by increasing the height of the chimney or stack, or by making such other provision as may be deemed effective by a designated officer of the municipality; and for providing that the work shall be done by the owner of the building or structure of which the chimney or stack forms part and that the cost and expenses incurred thereby may be recovered by him from the owner of the building or structure subsequently erected, in any court of competent jurisdiction, as a debt due and payable.

8. For delegating to the board established under paragraph 6 such of the powers of regulation contained in paragraph 1 as the by-law may provide, which delegated powers shall be exercised by the board by resolution; and for providing that any resolution made by the board may be altered or revoked by such board.

9. For imposing penalties not exceeding (exclusive of costs) \$50 for the first offence, \$100 for the second offence and \$200 for the third and each subsequent offence, upon every person who contravenes any by-law passed under this section, any decision or order of an officer referred to in paragraph 3, or any decision or resolution of the board established pursuant to paragraph 6, which penalties shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Proof of
resolution.

(2) A copy of a decision or resolution of the board established under paragraph 6 of subsection 1 purporting to be certified by the chairman of the board as a true copy shall be received in evidence in all courts without proof of signature.

Power to
enforce by
injunction.

(3) Where any by-law, decision, order or resolution referred to herein is contravened, in addition to any penalty imposed, such contravention may be restrained by action at the instance of the Corporation.

Exceptions.

(4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 on premises which, on the day upon which this Act comes into force, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Notice to
be mailed.

(5) The council may serve by prepaid registered mail upon

any person exempt by subsection 4 from the provisions of a by-law passed under this section a notice of intention to make such person subject to the provisions of such a by-law upon such terms and conditions as are set out in the notice.

(6) Unless within thirty days of the mailing of such notice ^{Time limit.} the person affected by the notice files with the city clerk a statement of objections, such person shall be subject to any by-law passed under this section to the extent set out in the notice.

(7) Upon service of a statement of objections upon the city ^{Hearing.} clerk within the said thirty days, the council shall itself or by committee or by the board referred to in paragraph 6 of subsection 1, hold a hearing and shall serve a copy of the decision reached upon the person affected and unless that person appeals in accordance with subsection 8, he shall be subject to the by-law to the extent set out in such decision.

(8) Within thirty days of the service of a decision under ^{Appeal.} subsection 7, the person affected may serve notice of appeal to the Ontario Municipal Board on the city clerk and the secretary of the Board, and the Board shall hear the appeal and may dismiss the appeal or make an order that the person affected shall not be subject to the by-law or shall be subject to the by-law to the extent set out in the order.

(9) The hearing of the appeal shall be a hearing *de novo*, ^{Order of Board final.} and the order of the Board shall be final and binding upon the person affected and the Corporation.

11. This Act shall come into force on the day upon which <sup>Commence-
ment of Act.</sup> it receives the Royal Assent.

12. This Act may be cited as *The City of Toronto Act*, ^{Short title.} 1948.

SCHEDULE A

THIS AGREEMENT, made in quadruplicate, this 31st day of January, 1948,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO, herein-
after called "the City",

OF THE FIRST PART,

—and—

THE BOARD OF EDUCATION FOR THE CITY OF TORONTO,
hereinafter called "the Board",

OF THE SECOND PART.

WHEREAS the Board is the owner of certain school buildings in the City of Toronto containing swimming pools and such pools and their appurtenances, with the permission of the Board, are used extensively during the evenings by the City in the recreation and community centre activities carried on by the City; and

WHEREAS the City in carrying on such activities in the future will require similar use of any new swimming pools and their appurtenances that may be installed by the Board with the approval of the City in school buildings, and in view of this the Board has requested the City to share the cost of installing such new swimming pools and appurtenances on the understanding that the City shall have the right to use the same during the evenings; and

WHEREAS as appears by Reports No. 30 and 3 of the Board of Control of the City as adopted in Council on the 29th day of September, 1947, and the 27th day of January, 1948, respectively, it was recommended that the City grant to the Board in aid of the costs of installing new swimming pools and their appurtenances in school buildings the annual sums herein-after mentioned upon the terms and conditions hereinafter set forth; and

WHEREAS the Board has agreed to enter into and execute these presents;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the City and the Board hereby mutually covenant and agree as follows:

1. The City, in respect to each swimming pool and its appurtenances hereafter installed by the Board with the approval of the Council of the City in existing school buildings, in additions to existing school buildings or in new school buildings and as a grant to the Board in aid of the cost of installing the swimming pool and its appurtenances, will pay to the Board annually during the term of the debentures issued to defray, among other costs, the total cost to the Board of installing the swimming pool and its appurtenances a sum equal to fifty per centum (50%) of the annual principal and interest payments called for on that portion of the said debenture issue representing the total cost to the Board of installing the swimming pool and its appurtenances, and such annual sum shall be paid by the City to the Board each year forthwith on demand. The words "total cost to the Board" as used in this clause mean the total cost of installing the swimming pool and its appurtenances as certified to by the Commissioner of Buildings of the City less any grant towards such cost received by the Board from the Province of Ontario.

2. Whenever the Board decides to install a swimming pool in school buildings the Board shall submit the plans and estimated costs of the swimming pool and its appurtenances to the said Commissioner of Buildings in order that he may examine same and make his report thereon to the Board of Control of the City.

3. The City in consideration of the annual sums paid by the City to the Board under the provisions of Clause 1 hereof and for the purposes of the recreation and community centre activities to be carried on by it, shall have the right to use the swimming pools and their appurtenances in respect to which such annual sums are paid during such evenings as from time to time hereafter may be mutually agreed upon between the Board and the City and at the charges therefor made on the bases provided in Clause 4 hereof.

4. The charges to be made by the Board to the City for the use by the City of swimming pools and their appurtenances in school buildings shall be on the basis of the actual cost to the Board of operating such pools and appurtenances.

5. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation validating and confirming this agreement.

IN WITNESS WHEREOF the City and the Board have hereunto affixed their respective Corporate Seals attested by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

in the presence of

Authorized by Reports 30 and 3 of the Board of Control, adopted in Council September 29, 1947, and January 27th, 1948, respectively.

"J. W. SOMERS"
Clerk.

THE CORPORATION OF THE CITY OF
TORONTO.

"ROBERT H. SAUNDERS"
Mayor. (Seal)
"G. A. LASCELLES"
Treasurer.

THE BOARD OF EDUCATION FOR THE
CITY OF TORONTO.

"GEORGE A. ARNOLD"
Chairman.
"C. H. R. FULLER"
*Business Administrator and
Secretary-Treasurer.*

SCHEDULE B

ST. PATRICK'S SQUARE SITE

Firstly: ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Canada and which is composed of, comprises and may be known as follows, that is to say, being part of Park Lots Numbers fourteen and fifteen containing by admeasurement one acre, three roods and twenty-six perches which is butted and bounded as follows, that is to say:—COMMENCING at the intersection of the east limit of Huron Street with the north limit of Baldwin Street; thence along the latter north seventy-four degrees east Two hundred and fourteen feet six inches; thence north sixteen degrees west three hundred and eighty-eight feet eight inches more or less to Cecil Street; thence along the latter south seventy-four degrees west two hundred and fourteen feet six inches to the aforesaid east limit of Huron Street; thence along the latter south sixteen degrees east three hundred and eighty-eight feet eight inches more or less to the place of beginning.

And Secondly: That certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and Province of Canada and which is composed of, comprises and may be known as follows, that is to say, being part of Park Lot Number Fifteen in the First Concession from the Bay, formerly in the Township of York, and containing by admeasurement one acre, three roods and twelve and a half perches be the same more or less and which is butted and bounded as follows, that is to say:—COMMENCING at the point where the easterly side of Spadina Avenue meets the southerly side of Cecil Street; then easterly along the south side of Cecil Street four hundred and eleven feet six inches more or less to where the south side of Cecil Street meets the west side of Huron Street; then southerly along the west side of Huron Street one hundred and ninety-four feet four inches to the northerly angle of land lately sold to The Honourable William Cayley; then westerly along the northerly side of the land so lately sold to The Honourable William Cayley four hundred and thirteen feet three inches more or less to the easterly side of Spadina Avenue; then northerly along the easterly side of Spadina Avenue one hundred and ninety-four feet four inches more or less to the place of beginning.

SCHEDULE C

THIS AGREEMENT, made in quadruplicate, this 10th day of December, 1947,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City",

OF THE FIRST PART,

—and—

NORTH TORONTO COMMUNITY CORPORATION, a company incorporated under *The Ontario Companies Act*, having its Head Office at the City of Toronto, hereinafter called "the Community Corporation",

OF THE SECOND PART.

WHEREAS the City is the owner of the lands in the City of Toronto situate on the north side of Eglinton Avenue West, a short distance east of Oriole Parkway, known as Eglinton Park; and

WHEREAS the "North Toronto Community Corporation" was incorporated as a corporation without share capital by Letters Patent issued on the 30th day of October, 1947, under the provisions of *The Companies Act* of Ontario for the purposes and objects following, that is to say, to establish, construct, maintain, operate and direct community centres for the benefit of the residents of the City of Toronto and other municipalities in the County of York, and particularly to establish, construct, maintain, operate and direct skating arenas, swimming pools, auditoriums, gymnasiums, tennis courts, and recreation and craft rooms; and for the further purposes and objects set forth in the Letters Patent; and

WHEREAS as appears by Report No. 11 of the Committee on Parks and Exhibitions of the City, as adopted in Council on the 10th day of June, 1947, it was recommended that the City establish in the south-west section of Eglinton Park, a short distance north of Eglinton Avenue West, a Community Centre to include, among other buildings, an indoor ice arena, the several units of the Centre to be proceeded with as may be determined; and

WHEREAS the Community Corporation desires to contribute towards the cost of the erection of the indoor ice arena and has requested the City to proceed with the erection of the arena as the first stage in the establishment of the Community Centre in Eglinton Park and to enter into an agreement with the Community Corporation to provide for the erection, operation and management of the arena on the terms and conditions hereinafter set forth; and

WHEREAS as appears by Report No. 17 of the said Committee on Parks and Exhibitions as adopted in Council on the 10th day of November, 1947, it was recommended that the City enter into and execute these presents:

NOW THEREFORE THIS AGREEMENT WITNESSETH, that the City and the Community Corporation hereby mutually covenant and agree as follows:

1. The City, in consideration and upon receipt of the money contribution from the Community Corporation provided for in Clause 2 hereof, will erect in the south-west section of Eglinton Park at a location therein, approximately three hundred feet (300') north of Eglinton Avenue West, an artificial ice arena to cost not more than Four Hundred Thousand Dollars (\$400,000.00) as a memorial to the citizens of the City of Toronto who paid the supreme sacrifice in the World Wars of 1914 to 1918 and 1939 to 1945, to be known as the "North Toronto Memorial Gardens" and hereinafter referred to as "the Gardens".

2. The Community Corporation will contribute towards the cost of the erection of the Gardens the lesser of the two sums following,—

(a) the sum which is equal to seventy-five per centum (75%) of the total cost of the erection of the Gardens; or

(b) the sum of Three Hundred Thousand Dollars (\$300,000.00);

and will pay such lesser sum to the Treasurer of the City forthwith upon demand in writing therefor.

3. The Gardens shall provide for,—

(a) a regulation ice surface for the playing of hockey, pleasure skating and figure skating;

(b) seating capacity for between two thousand and three thousand persons;

(c) an artificial ice plant;

(d) dressing rooms, showers, refreshment facilities, office space, board room and a small sports library;

(e) adequate portable stage facilities and a public address system; and

(f) at least three curling lanes if the provision of the lanes does not increase the total cost of the erection of the Gardens above the sum of Four Hundred Thousand Dollars (\$400,000.00).

4. Subject to the provisions of Clause 1 hereof and provided the plans and specifications for the Gardens are prepared and approved of by the City and the Community Corporation by the 15th day of May, 1948, the City will call for tenders and award the contract for the erection of the Gardens not later than the 1st day of July, 1948.

5.—(1) The general management, regulation and control of the Gardens together with the general supervision of the carrying out of the contract referred to in Clause 4 hereof shall be undertaken on behalf of the City by a board to be known as "The Board of Management of the North Toronto Memorial Gardens" and hereinafter referred to as "the Board", and the general supervision of the contract shall be undertaken by the board in conjunction with the Commissioner of Buildings for the City.

(2) The board shall be composed of nine (9) members each of whom shall be a resident ratepayer of the City of Toronto and shall consist of,—

(a) the Alderman for Ward 9 who is a member of the Committee on Parks and Exhibitions of the City and who shall be *ex-officio* a member of the board;

(b) three (3) persons who shall be appointed by the Council of the City, such Council being hereinafter referred to as "the Council"; and

(c) five (5) persons who shall be appointed by the Community Corporation;

and the first appointment of the eight (8) members shall be made forthwith.

(3) In the first instance two of the five members of the board to be appointed by the Community Corporation shall be appointed for terms ending on the 31st day of December, 1948, and the remaining three shall be appointed for terms ending on the 31st day of December, 1949, and thereafter such five members shall be appointed for two year terms so that after the first appointment the five members will retire in rotation two and three each alternate year, but after the first appointment the members of the board to be appointed each year by the Community Corporation shall be appointed in the month of January.

(4) In the first instance the three members of the board to be appointed by the Council shall be appointed for terms ending on the 31st day of December, 1948, and thereafter such three members shall be appointed annually in the month of January for one year terms.

(5) Each appointed member of the board shall hold office for the term for which he is appointed and until his successor is appointed.

(6) When a vacancy occurs in the appointed membership of the board by reason of death or resignation or from any other cause, the Council or the Community Corporation, as the case may be, within thirty (30) days after the occurrence of the vacancy shall appoint a member to fill the vacancy and the member so appointed shall hold office for the remainder of the term of the member so vacating.

(7) The first members of the board within thirty (30) days after the appointment of the last member and on the day and at the hour and place designated by the *ex officio* member by six (6) days notice in writing sent to the address of each of the other members, shall meet for the purpose of organization, shall elect one of their number chairman and shall appoint a secretary and treasurer who need not be a member of the board.

(8) The chairman, secretary and treasurer shall each hold office at the pleasure of the board or for such periods as the board from time to time may prescribe.

(9) Whenever the chairman or secretary is absent, or unable to act, the board may appoint a chairman or secretary *pro tem*.

(10) The board shall meet at such times as from time to time it may determine.

(11) When an appointed member of the board is absent from the meetings of the board for three successive months, without leave of absence or reasons satisfactory to the board, the office of the member so absent shall be declared vacant by the board and notice thereof shall be given forthwith to the Council or to the Community Corporation as the case may be.

(12) The board shall not transact any business at any special or general meeting thereof unless five members are present.

(13) All orders and proceedings of the board shall be entered in books to be kept for the purpose, and shall be signed by the chairman for the time being.

(14) The members of the board shall serve without compensation.

(15) The board from time to time may employ such officers and employees as may be required for the superintending and management of the Gardens, prescribe their duties and remuneration, and dismiss any person so employed.

(16) The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts of the board shall be audited annually by the Auditor of the City and shall thereafter be laid before the Council by the board.

6. The board from time to time shall have power,—

- (a) to prescribe and collect the fees payable for admittance to the Gardens or for the use of the Gardens or any of the facilities thereof;
- (b) to fix the times and dates for use of the facilities of the Gardens by persons or organizations desiring same;
- (c) to make rules and regulations respecting the operation and use of the Gardens and all activities carried on therein and the protection and preservation of the Gardens and all appurtenances thereto; provided, the rules and regulations are first approved of by the Council; and

- (d) subject to the approval of the Council to alter, revoke or amend any or all of the rules and regulations.

7. All revenue received by the board from the operation of the Gardens and the facilities thereof and all contributions received by the board from other sources towards the operating costs of the Gardens shall be applied annually as follows:

- (a) in payment of the expenses necessary to the proper preservation and maintenance of the Gardens and all appurtenances thereto, the salaries or wages of assistants and others employed by the board and the other expenses incidental to the operation of the Gardens;
- (b) in setting up and keeping set up a sum of Fifteen Thousand Dollars (\$15,000.00), which shall be one continuous permanent sum of that amount; and
- (c) in paying to the City any surplus then remaining.

8. The annual deficits, if any, incurred by the board in the operation of the Gardens and all facilities thereof shall be paid by the City to the board upon due certification of the deficit by the Auditor of the City.

9. The board annually in the month of January shall make a report to the Council setting forth the receipts and expenditures for the past year, the activities of the Gardens for the past year and the proposed activities for the ensuing year.

10. No person or organization shall be excluded or barred from using the Gardens, or any of the facilities thereof, by reason of race, creed or colour.

11. The sale and consumption of intoxicating beverages shall be strictly prohibited within the Gardens.

12. Upon the Community Corporation surrendering its Charter this agreement shall be null and void and no longer shall have any force or effect.

13. In this agreement the singular shall include the plural, the plural shall include the singular and masculine shall include the feminine and neuter genders.

14. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation effective as of the 10th day of November, 1947, validating and confirming this agreement.

IN WITNESS WHEREOF the City and the Community Corporation have hereunto affixed their respective Corporate Seals attested by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

in the presence of

Authorized by Report 17 of the Committee on Parks and Exhibitions, adopted in Council November 10, 1947.

J. W. SOMERS,
City Clerk.

THE CORPORATION OF THE CITY OF
TORONTO.

ROBERT H. SAUNDERS,
Mayor.

R. GILLESPIE,
Deputy Treasurer.

NORTH TORONTO COMMUNITY CORPORATION.

A. W. FARLINGER,
President.

CHARLOTTE H. FIERRO,
Secretary.

SCHEDULE D

AGREEMENT made in triplicate the 22nd day of December, 1947.

BETWEEN:

THE CORPORATION OF THE TOWN OF WESTON, herein-
after called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE SECOND PART,

—and—

THE TORONTO TRANSPORTATION COMMISSION, hereinafter
called the "Commission",

OF THE THIRD PART.

WHEREAS the parties hereto entered into an agreement dated the 26th day of October, 1925, for the operation of a street railway upon Weston Road within their respective municipal limits pursuant to the powers therein set out, which agreement was ratified and confirmed by statute of the Province of Ontario, 16 Geo. V, Chapter 105, Section 2, and which said agreement expired on the 7th day of August, 1945;

AND WHEREAS the parties hereto have by mutual consent continued the operation of the said street railway under the terms and conditions of such expired agreement.

AND WHEREAS the parties hereto have agreed that as soon as possible the Commission will substitute on the Weston Road as aforesaid a system of transportation by trolley coaches as hereinafter defined, in place of transportation by street cars, and will operate the same under the terms and conditions hereinafter set out.

AND WHEREAS by By-law number 1408 of the Town passed on the 22nd day of December, 1947, a certified copy of which is attached hereto, the Town has authorized the execution and delivery of these presents.

AND WHEREAS by By-law number 13201 of the Township passed on the 22nd day of December, 1947, a certified copy of which is attached hereto, the Township has authorized the execution and delivery of these presents.

NOW THEREFORE THIS INDENTURE WITNESSETH that the parties hereto have agreed as follows:

1. The Commission will as soon as reasonably practicable take all necessary steps to substitute trolley coaches for the present street car system upon the Weston Road within the limits of the Town and Township from Northland Avenue on the south to Oak Street on the north, and the date of commencement of operation of such trolley coaches will be hereinafter referred to as the date of changeover.

2. The term "trolley coaches" wherever used in this agreement shall be deemed to include such other modes of public transportation as the parties hereto may from time to time during the currency of this agreement agree shall be used either in substitution for or as supplemental to the service hereinbefore mentioned.

3. Up to the date of changeover the rights and liabilities of the respective parties hereto in respect of the operation of street cars upon the Weston Road shall be governed by the terms and conditions contained in the former expired agreement between the parties hereto but from and after such date of changeover the provisions of this agreement shall apply to the operation of such trolley coaches.

4. The Commission agrees that from and after the date of changeover it will withdraw its street cars from operation within the Town and Township and will make no further demand on the other parties hereto after such date in respect of the said street cars or their operation. It also undertakes after such date to maintain at its own expense a continuous overhead connection between the service herein provided for and its own service on its Annette Street trolley coach route, and that any loop required within the municipal limits of the City of Toronto for the operation of the trolley coaches shall be constructed by the Commission at its own expense.

5. The Commission will, provided the terms and conditions herein-after set out are fulfilled, operate trolley coaches on the route defined in paragraph one hereof on the terms and conditions and for the period hereinafter set out, provided always that under no circumstances is the Commission to be at any cost or expense or to incur any liability by reason of such operation other than that provided for in this agreement.

6. The Town and Township will, during the term of this agreement at the request of the Commission take all means within their respective powers to prevent the establishment of any form of local transportation within their respective municipal limits which the Commission deems to be in competition with the service herein provided for.

7. The Commission agrees that it will not operate any service other than is contemplated by this agreement within the Town or Township, which, in its opinion, or in the opinion of the Ontario Municipal Board prejudicially affects the transportation service covered by this agreement, provided that this clause shall not be construed to interfere with the operation by the Commission from time to time of buses, coaches or other vehicles for sight-seeing, chartered or other non-competitive purposes.

8. The Town and Township agree to furnish adequate street lighting on each side of the Weston Road within their respective limits and to use their best endeavours to keep such highway reasonably adequate for use by trolley coaches during periods when snow and ice prevail but without imposing any legal liability or obligation to the Commission in the event of their failure so to do.

9. The Commission shall have sole management of such trolley coaches, including the routes to be operated and the service to be given, shall arrange for all vehicles, crews and equipment necessary for the operation thereof, and shall maintain and repair all equipment necessary for the operation of such transportation service.

10. All claims or actions for alleged negligence in the operation of the trolley coaches shall be made or brought against the Commission and dealt with by it, and the Commission shall have, through its solicitor, the conduct and control of all such claims and actions or of any action brought against either the Town or the Township in respect of any such alleged negligence, and may defend or compromise the same as it deems expedient. No amounts which may be paid by the Commission in respect of any such claims, actions, and costs shall be chargeable to the Town or the Township, or against the operations of the trolley coaches except as provided in paragraph 15 (b).

11. In case any party hereto shall at any time or times be prevented from carrying out its obligations hereunder by reason of strike, fire, riot, invasion, act of God, or the King's enemies, or any other cause beyond its control, the rights and obligations of the parties hereto shall be unaffected thereby and each shall be prompt and diligent in doing everything in its respective power to remove or overcome such cause or causes of interruption.

12. The Commission agrees, if either the Town or Township so requests, to purchase from the electric system of either the Town or Township, power for the operation of the trolley coaches, provided that in the judgment of the Commission such power can be advantageously purchased and used either in conjunction with or in lieu of other sources of power.

13. The Commission shall fix the rates of fare, but free transfers shall be given from the trolley coaches to the bus and street car services operated in the Town and Township by the Commission on behalf of such municipalities. No reduction shall be made in any existing fares unless by consent of the parties hereto or order of the Ontario Municipal Board and not more than one uniform fare shall at any time be charged upon the services herein provided for.

14. The Town and Township shall each pay the cost of any capital expenditures made by them wholly within their respective municipal limits which are deemed necessary or advisable for the operation of the trolley coaches, and such capital costs shall include the cost of all overhead construction and of a loop at or near the northern limit of each municipality which in the opinion of the Commission is reasonably adequate for the turning of trolley coaches. Subject only to the right of the Commission to use the same in the operation of the trolley coaches during the term of this agreement or any renewal thereof, the Township shall be absolute owner of the assets within its municipal limits for which it has paid the capital costs and the Town shall likewise be absolute owner of the assets within its municipal limits for which it has paid the capital costs.

15. The cost of maintenance, repair and operation of the transportation service herein provided for shall be computed as follows:

- (a) All items directly chargeable to operation for the Town and Township, such as wages, power, line and pole maintenance, shall, with the exception of injuries and damages, be so charged.
- (b) The only amount chargeable in respect of injuries and damages shall be the same annual cost per trolley coach mile as is incurred by the Commission in all operations of its trolley coach fleet (including therein administration and legal expenses).
- (c) Save in respect of such items as above, the cost of operation, exclusive of administration and management, shall be charged on a trolley coach mileage basis, the rate therefor to be the average rate upon the Commission's total trolley coach operations and such rate to include all proper capital items.
- (d) Any other items of cost applicable both to the transportation service provided for herein and other trolley coaches shall be apportioned by the Commission according to the respective use made by each of the facilities in respect of which such item of cost was incurred.
- (e) The cost of administration and management in connection with such operation is to be estimated at seven (7) per cent of all other items of cost of maintenance, repair and operation and is to be added thereto and retained by the Commission for its own use.

16. In connection with the matters dealt with by the next preceding paragraph, the system of accounting to be used, except where inconsistent with the express provisions hereof, shall be the classification of accounts for Transit Systems in Canada prescribed by the Dominion Bureau of Statistics, dated January 1st, 1946, and any future revisions thereof.

17. After the close of each calendar year the Commission will prepare a report to the Town and Township giving a complete certified financial statement of its operation of the trolley coaches during the preceding year, and any of such statements shall be subject to audit by the auditor of the Town and the auditor of the Township if either or both the Town and Township so desire.

18. The Commission will furnish the Town and the Township with a statement of the revenue passengers carried and the coach miles operated for any calendar month on the transportation service provided for herein and/or the portion thereof within the limits of the Town or Township.

19. The revenues of the trolley coaches shall be apportioned as be-

tween the Town and the Township for each calendar year or portion thereof on the following basis:

- (a) If the cost of maintenance, repair and operation of the transportation service provided for herein as defined in paragraph (15) hereof shall exceed the gross revenues for any such period, the consequent deficit on operation shall be borne by each municipality in proportion to the coach miles operated during such period within its limits.
- (b) Should the gross revenues exceed such cost of maintenance, repair and operation, then any resulting surplus is to be divided between the two municipalities on a basis of seventy (70) per cent to the Township and thirty (30) per cent to the Town.

20. Any payments to be made by the Commission under the next preceding paragraph shall be made forthwith after each quarter of the calendar year, but are intended to be approximate only, and shall be subject to final adjustment.

21. If for any reason the revenue from the trolley coaches for a period of three consecutive calendar months shall be insufficient to meet the full costs for such period of the maintenance, repair and operation thereof as defined in paragraph (15) hereof, the Town and Township shall pay to the Commission forthwith on demand the amount of any such deficiency in the proportions set out in paragraph (19) hereof. Provided that in the event of the neglect of either of the Town or Township to pay their proper proportion of such amount within thirty (30) days of such demand the Commission may, without further notice, discontinue the operation of the said trolley coaches and it and the other party hereto may recover from the Town or Township in default any damage sustained by reason of such default, but such discontinuance of operation shall not release any party from this agreement. And provided further that the party hereto not in default, without prejudice to its rights under this agreement, may at its option pay the amount in default by the other party hereto and shall have the right to recover the amount of such payment from the party in default.

22. Subject to paragraph 23 hereof, this agreement shall continue in force until ten years from the date of changeover as hereinbefore defined.

23. If during the period of this agreement the local transportation of the City of Toronto and that of municipal areas contiguous or tributary to the said city shall be unified, this agreement may be terminated by any party hereto prior to the date of expiration provided for in the next preceding paragraph. In such event the mutual rights and obligations of the parties hereto shall be such as may be agreed upon, or failing agreement as shall be determined by the Ontario Municipal Board.

24. The Township shall not be liable for the acts or defaults of the Town under this agreement and the Town shall not be liable for the acts or defaults of the Township under this agreement but each municipality shall only be liable for its own acts or defaults and every covenant and agreement on the part of the Town and Township herein contained shall be construed accordingly.

25. The Commission agrees that in respect of its operations hereinunder outside the limits of the City of Toronto it is acting for and on behalf of the Town and the Township and that no rights, franchises, or privileges are conferred on it by these presents other than are necessary to carry out the purpose hereof.

26. The parties hereto agree to use their best endeavours to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the parties hereto have hereunto set their

corporate seals by the hands of their proper officers in that behalf on the day and year first above written.

SIGNED, SEALED AND DELIVERED

(Seal)

TOWN OF WESTON,

(Sgd.) T. E. DOUGHERTY,
Mayor.

(Sgd.) G. H. CLARKSON,
Clerk.

TOWNSHIP OF YORK.

(Sgd.) C. J. McMASTER,
Reeve.

(Seal)

(Sgd.) HOWARD A. HALL,
Clerk.

THE TORONTO TRANSPORTATION
COMMISSION.

(Sgd.) WM. C. MCBRIEN,
Chairman.

(Sgd.) C. A. WARD,
Secretary.

TOWN OF WESTON

BY-LAW No. 1408

A By-law to authorize the execution of an agreement between the Corporation of the Town of Weston, the Corporation of the Township of York and the Toronto Transportation Commission.

The Municipal Council of the Corporation of the Town of Weston enacts as follows:

1. That the Agreement dated the 22nd day of December, 1947, between the Corporation of the Town of Weston, the Corporation of the Township of York and the Toronto Transportation Commission, relative to the operation of Trolley Coaches on the Weston Road Line within the said Town and the said Township, according to the form of the agreement hereto annexed, is hereby approved and confirmed.

2. That the Mayor and the Clerk of the Corporation of the Town of Weston are hereby authorized and directed to sign and execute the said Agreement on behalf of the Corporation of the Town of Weston, and that the Clerk do affix to the said Agreement the Corporate Seal.

PASSED this 22nd day of December, 1947.

T. E. DOUGHERTY,
Mayor.

(Seal)

G. H. CLARKSON,
Clerk.

A BY-LAW

NUMBER 13201

TO AUTHORIZE the execution of an agreement between the Corporation of the Township of York, the Corporation of the Town of Weston, and the Toronto Transportation Commission, with respect to the operation of Trolley Coaches on the Weston Road.

The Council of the Corporation of the Township of York enacts as follows:

1. THAT the agreement dated the 22nd day of December, 1947, made between the Corporation of the Township of York, the Corporation of the Town of Weston, and the Toronto Transportation Commission, providing for the operation of Trolley Coaches in substitution for the present street car system on Weston Road be and the said agreement is hereby approved.

2. THAT the Reeve and Clerk be and they are hereby authorized and instructed to execute the said agreement on behalf of the Corporation and to affix the Corporate Seal thereto.

ENACTED AND PASSED this 22nd day of December, 1947.

(Sgd.) C. J. McMASTER,
Reeve.

(Sgd.) HOWARD A. HALL,
Clerk.

CHAPTER 130.

An Act to incorporate the United Co-operatives of Ontario.

*Assented to April 16th, 1948.**Session Prorogued April 16th, 1948.*

WHEREAS the persons mentioned in section 1 by their Preamble. petition have prayed that an Act be passed to incorporate the United Co-operatives of Ontario with the objects and powers hereinafter set forth; and whereas the petitioners have represented that the United Farmers Co-operative Association was incorporated by the *United Farmers Co-operative Association Act, 1931*, with powers, *inter alia*, to acquire the assets and undertaking of The United Farmers Co-operative Company, Limited; that the name of the United Farmers Co-operative Association was changed to the Farmers Co-operative Association of Ontario by *The Farmers Co-operative Association of Ontario Act, 1933*; that the United Farmers Co-operative Association never acquired the assets and undertaking of The United Farmers Co-operative Company, Limited; and that the United Farmers Co-operative Association has never carried on business, has issued no stock and has no assets; and whereas the petitioners have prayed that the Acts incorporating the said company be repealed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Norman McKinley Marshall of the Village of Norwich in the County of Oxford, manager; Daniel Elmer Stauffer of the Township of Blenheim in the County of Oxford, farmer; Ralph Sharpe Staples of the City of Toronto in the County of York, manager; Charles William McInnis of the Township of Matilda in the County of Dundas, farmer; William Charles Good of the Township of Brantford in the County of Brant, farmer; William Guy Nicholson of the Village of Port Elgin in the County of Bruce, farmer; William Andrew Amos of the City of Belleville in the County of Hastings, retired clergyman; Irvin McLellan Anderson of the Village of Kemptville in the County of Grenville, manager; and John Erroll Nephew of the

United Co-operatives of Ontario constituted.

City of Woodstock in the County of Oxford, manager; together with such other persons as become shareholders in the corporation hereby created, are hereby constituted a body corporate and politic under the name of United Co-operatives of Ontario, hereinafter called the Company.

Objects and powers.

2. The Company is incorporated for the following purposes and objects and shall have the following powers and authorities, namely:

- (a) to carry on trade on a co-operative basis, both whole-sale and retail, and to buy, sell, manufacture, repair, process, produce, mill, mine, refine, can, import and export goods, wares and merchandise of every kind and description;
- (b) to enter into agreements with, purchase shares in, or otherwise obtain an interest in any other co-operative organization;
- (c) to carry on, encourage and assist education, research and advisory work relating to co-operation or to co-operatives;
- (d) to have, use, exercise and enjoy all the rights, powers and privileges given to any co-operative company or co-operative corporation by *The Companies Act*;
- (e) for the purposes aforesaid, to purchase, acquire and take over as a going concern the business and undertaking of The United Farmers Co-operative Company, Limited, a company incorporated under *The Companies Act*, including the goodwill and any or all of the assets, property, privileges, contracts, rights, choses in action, bills of exchange and promissory notes, and to assume any or all of the obligations and liabilities of the said The United Farmers Co-operative Company, Limited, and to pay for the same in fully paid shares or in bonds, debentures and other securities of the Company, and thereafter to carry on the said business on a co-operative basis.

Rev. Stat.,
c. 251.

Head office.

3. The head office of the Company shall be at the City of Toronto or some other municipality in the County of York in the Province of Ontario.

Capital.

4. The capital of the Company shall be the sum of \$3,000,000 consisting of 214,950 common shares having a par value of \$10.00 each and 121,500 non-voting preference shares having a par value of \$7.00 each.

Common stock.

5.—(1) The common shares of the Company shall be sold

to, owned or held only by co-operative corporations incorporated under *The Companies Act* or other corporations however incorporated (whether under the laws of the Province of Ontario or under any other laws) which, in the opinion of the directors of the Company, are operating as co-operatives.

(2) In order to further the co-operative character of the Company and to provide a means whereby its current and active patrons will supply the capital of the Company, the Company may by by-law provide that each common shareholder each year shall be required to invest the whole or such portion of its patronage return as the directors may require in common shares of the Company, and that when, in the opinion of the Board of Directors, the issued capital is sufficient for the proper financing of the Company, the Company shall redeem the outstanding common shares at the par value thereof on a revolving basis in the order by years in which the shares were issued, giving precedence to those held the longest.

Re-investment of patronage returns.

(3) Certificates of the common shares of the Company shall be issued in an annual series and each certificate shall indicate the year in which the shares represented by it were issued.

Certificates.

6. The preference shares shall have the following rights, priorities, privileges, preferences, restrictions and qualifications:

Preference stock.

1. The holders of preference shares shall be entitled to receive and the Company shall pay thereon as and when declared by the Board of Directors out of the moneys of the Company properly applicable to the payment of dividends, fixed, non-cumulative, preferential cash dividends at the rate of twenty-five cents a share, payable yearly.

2. No dividend on common shares or patronage return shall be paid to the patrons or shareholders of the Company unless the non-cumulative preferential dividend has been declared and paid for the year in which such dividend on common shares or patronage return is declared.

3. Upon giving notice as hereinafter provided the Company may redeem the whole or from time to time any part of the then outstanding preference shares on payment for each share to be redeemed of the amount paid up thereon together with any declared and unpaid dividends. In case a part only of the then outstanding preference shares is at any time to be redeemed the shares so to be redeemed shall be selected by lot or in such other equitable manner as may from time to time be determined by the Board of Directors. The Company shall give notice in writing to each person who at the date of giving such notice is the registered holder of preference shares to be

redeemed, of the intention of the Company to redeem preference shares held by him. The notice shall be given by post in a prepaid letter addressed to the last address of each such holder of preference shares as it appears on the books of the Company, or in the event of the address of any such holder not so appearing then to the last known address of such holder, and shall be mailed at least thirty days before the date specified for redemption. The notice shall set out the number of preference shares held by the person to whom it is addressed which are to be redeemed, the redemption price, and the date on which redemption is to take place. On and after the date so specified for redemption the Company shall pay or cause to be paid the redemption price to the registered holders of the preference shares to be redeemed on presentation and surrender, at the head office of the Company or at such other place as may be specified in such notice, of the certificates for the preference shares so called for redemption. The certificates for such preference shares shall thereupon be cancelled and the redemption of the shares represented thereby shall thereupon be completed. If a part only of the shares represented by any certificate be redeemed a new certificate for the balance shall be issued. From and after the date specified for redemption in any such notice the preference shares called for redemption shall cease to be entitled to dividends and the holders thereof shall not be entitled to any rights in respect thereof except to receive the redemption price, unless payment of the redemption price is not made by the Company on the presentation and surrender of the certificates in accordance with the foregoing provisions in which case the rights of the holders shall remain unimpaired. Should the holders of any preference shares so called for redemption fail to present the certificates representing such shares on the date specified for redemption the shares shall nevertheless be considered to have been redeemed and cancelled but the redemption price of such shares shall be a debt without interest due by the Company to such shareholders as of the date specified for redemption; and after that date the rights of the holders of such shares shall be limited to receiving payment of the debt due by the Company to them for the redemption price of such shares upon presentation and surrender of the certificates for such preference shares and such holders shall not be entitled to any participation in the profits or assets of the Company or to exercise any rights as holders of such shares so redeemed or cancelled. All preference shares redeemed by the Company shall be cancelled and shall not be re-issued.

4. The Company may at any time or times without notice purchase (if obtainable) for cancellation the whole or any part of the preference shares outstanding from time to time in the market or by tender at the lowest price at which in the opinion of the Board of Directors such shares are obtainable but such

price shall not in any case exceed the amount paid up thereon and costs of purchase together with any declared and unpaid preferential dividends on such shares. From and after the date of purchase of any preference shares under the provisions of this paragraph the preference shares so purchased shall be deemed to be redeemed and shall be cancelled.

5. Subject to paragraph 6, the holders of preference shares as such shall have no right to receive notice of or to attend or vote either in person or by proxy at any meeting of shareholders.

6. The directors of the Company may pass by-laws authorizing application for supplementary letters patent which may amend, modify, suspend, alter or repeal all or any of the rights, privileges, restrictions and conditions attaching to or affecting the preference shares, and which may create further or other preference shares ranking prior to or *pari passu* with the preference shares, but no such by-law shall be effective or acted upon unless and until confirmed by at least two-thirds of the votes cast at a special general meeting of the holders of the then outstanding preference shares duly called for considering the by-law, in addition to such other vote, including the vote of other classes of shareholders, as may be required by *The Companies Act*.

7. Except as herein provided, the holders of preference shares shall not be entitled to participate in the Company's assets, property, earnings or profits and shall not be entitled on the redemption or retirement of such shares to participate in the assets of the Company beyond the amount paid up on such shares together with the amount of any preferential dividends declared and unpaid.

7. The affairs of the Company shall be under the control and direction of a Board of Directors composed of nine members, provided that such number may be increased or decreased by by-law pursuant to the provisions of *The Companies Act*. Board of Directors.

8. The persons named in section 1 shall be the first directors of the Company, and they shall not be required to hold any common shares of the Company, but unless in the meantime they qualify as directors as required by section 9, they shall cease to hold office at the first annual meeting of the Company. Provisional directors.

9. Following the first annual meeting, the qualifications of a director shall be that he be a member or shareholder in a corporation which owns at least one common share of the Company. Qualifications of director.

Transfers of stock.

10. No transfer of shares of the Company shall be valid unless and until authorized by the Board of Directors.

Redemption and purchase of common stock on consent;

11.—(1) The Company may with the consent of any common shareholder or shareholders redeem or purchase any or all of the common shares of such shareholder or shareholders upon payment of an amount to be agreed upon by the Company and the shareholder or shareholders not exceeding the actual value of such shares.

in special circumstances;

(2) The Company, whenever any common shareholder is about to be wound up, dissolved or have its charter surrendered, or whenever a common shareholder has failed for a period of one year to transact any business with the Company, or, after a hearing of which the shareholder has been given ten days' notice in writing and an opportunity of being present, is found by a vote of three-quarters of the Board of Directors to have broken any material provision of any agreement with the Company, shall have the right, at its option,—

(a) to redeem the common stock of such shareholder at the book or par value, whichever is the lesser; or

(b) to require the transfer of any such stock at the book or par value, whichever is the lesser, to any person eligible to hold the same.

limitation on;

(3) Not more than ten per centum of the issued common shares may be redeemed or purchased by the Company pursuant to subsections 1 and 2 in any fiscal year, and no such redemption or purchase shall be made when the Company is insolvent or so as to render the Company insolvent or so as to reduce the number of common shareholders to less than fifty.

to revolve capital.

(4) The Company shall have the right to redeem any of its common shares whenever necessary for the purpose of revolving its capital in accordance with subsection 2 of section 5; but, except on a dissolution and in the cases referred to in subsections 1 and 2, such shares shall be redeemed in the order by years in which they were issued and the shares issued in each year shall be redeemed fully or on a pro rata basis or in such other equitable manner as the Board of Directors may determine.

Failure to surrender certificates.

(5) In exercising its right to redeem or purchase common shares or to require the transfer of common shares to some other person eligible to hold the shares if the holder fails to deliver up and surrender the certificate or certificates evidencing the shares, the Company may cancel such shares and the certificate or certificates evidencing them and issue a new certificate or certificates to the person entitled thereto.

12. At the first annual meeting of the Company and at any general meeting thereafter the powers of the common shareholders shall be vested in delegates to be elected or appointed by each common shareholder of the Company in such manner as may be provided for in the by-laws, and the delegates so elected or appointed shall exercise fully and completely in every way the powers or any part of the powers of the common shareholders of the Company; and a meeting of the delegates of the Company shall have the same effect in every way as a meeting of the common shareholders of the Company.

13.—(1) Each common shareholder shall be entitled at all meetings of the Company to one vote only for each delegate properly appointed and present in person at the meeting.

(2) No delegate and, except as herein provided, no common shareholder, shall vote by proxy at any meeting of the Company.

14.—(1) The Company may pass by-laws,—

By-laws.

- (a) to provide for the method of appointing or electing delegates by common shareholders, the qualifications of such delegates, and determining the number of such delegates for each common shareholder either on the basis of the volume of business done by the shareholder with the Company or on the basis of the number of members or shareholders of the shareholder, or partly on one basis and partly on the other;
- (b) to provide that the territory in which the Company carries on business be divided into districts, to change the boundaries of such districts, to provide for meetings of the delegates being held by districts, and to provide for the election of one or more directors by the delegates from each district at a local meeting held therein or held in connection with the annual meeting;
- (c) to provide that every delegate shall be entitled to one vote only, irrespective of the number of shareholders he represents;
- (d) to provide for the appointment or election by each common shareholder of alternate delegates to attend and vote at meetings of shareholders in the absence of the delegates;
- (e) to provide for payment of the expenses of delegates and alternate delegates attending general or district meetings of the Company;

- (f) to provide that employees of the Company or persons engaged in any business which is in conflict with the business of the Company or persons residing outside Ontario shall be ineligible to hold office as directors, and to prescribe the maximum continuous period of time during which a person may serve as director and the period after which he shall again be eligible;
- (g) to provide, if desired, for the use of the single transferable vote in elections of directors of the Company, the method of making nominations and holding elections, the procedure in counting ballots, and any other matter or thing relating to the conduct of elections;
- (h) to provide for the removal of directors at meetings of shareholders.

By-laws a contract with shareholders.

(2) Every by-law shall bind the Company and the common shareholders thereof to the same extent as if each common shareholder had subscribed its name and affixed its corporate seal thereto and as if there was in the by-law a covenant on the part of each common shareholder, its successors and assigns, to conform thereto subject to the provisions of this Act.

Distribution of surplus.

15.—(1) The net surplus arising from the business of the Company in each fiscal year after paying the dividend on the outstanding preference stock shall, subject to any by-law passed pursuant to subsections 2, 3 and 4, be allocated, credited or paid to the common shareholders in proportion to the business done by each such shareholder with or through the Company computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the Company from or on behalf of or to such shareholder whether as principal or agent or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof.

Idem.

(2) The by-laws of the Company may provide that part of the surplus may be allocated, credited or paid to customers who are not common shareholders at the same or at a lesser rate than that paid to common shareholders.

Idem.

(3) The by-laws may provide that before any part of the surplus is allocated, credited or paid to common shareholders or customers who are not common shareholders, the Company may set aside such reserves as may be provided for in the by-laws and may also pay such dividend on common shares not exceeding five per centum as the directors may from time to time declare.

(4) The by-laws may provide that no part of the surplus ^{Idem.} need be allocated, credited or paid to any common shareholder or to any customer who is not a common shareholder if the amount that would be allocated, credited or paid to such person would be less than \$2 or such lesser amount as the by-laws may specify.

16.—(1) In the event of a winding up or dissolution of the Company all the net assets of the Company remaining after payment of liabilities and redemption of both common and preference shares at the par value shall be divided on a pro rata basis amongst all the shareholders owning common shares on the date of dissolution in proportion to the total patronage returns paid to each such common shareholder during the ten-year period immediately prior to the date of dissolution. ^{Distribution of assets on winding up.}

(2) Where sufficient funds are not available to redeem fully all outstanding preference and common shares, all shares shall share pro rata on the basis of par value in the distribution without priority as between different classes of shares or date of issue. ^{Where assets insufficient to redeem shares.}

17.—(1) The Company shall be deemed to be a co-operative company operated on a co-operative basis as defined by Part XII of *The Companies Act*. ^{Company deemed a co-operative company.}

(2) Except where inconsistent with this Act, Part XII of *The Companies Act*, except section 156, shall apply to the Company. ^{Application of Part XII of Rev. Stat., c. 251.}

(3) Except where inconsistent with this Act or Part XII of *The Companies Act*, the general provisions of *The Companies Act* shall apply to the Company. ^{Application of Rev. Stat., c. 251.}

18. The *United Farmers Co-operative Association Act, 1931*, 1931, c. 146; and *The Farmers Co-operative Association of Ontario Act, 1933*, 1933, c. 78, are repealed. ^{repealed.}

19. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

20. This Act may be cited as *The United Co-operatives of Ontario Act, 1948*. ^{Short title.}

INDEX

Fourth Session, Twenty-Second Legislature 12 George VI, 1948

A

ADOPTION	PAGE
Act, who to administer.....	87
commencement of Act.....	1
copy of adoption order, to be transmitted to Registrar-General.....	1
AGED WOMEN'S HOME OF HAMILTON	
<i>See</i> HAMILTON ORPHAN ASYLUM.	
AGRICULTURAL ASSOCIATIONS	
bodies corporate under Act.....	3
commencement of Act.....	4
AGRICULTURAL DEVELOPMENT FINANCE	
commencement of Act.....	5
use of money borrowed under Act.....	5
AGRICULTURE	
<i>See</i> AGRICULTURAL ASSOCIATIONS.	
AGRICULTURAL DEVELOPMENT FINANCE.	
BEES.	
CHEESE AND HOG SUBSIDY.	
FARM PRODUCTS CONTAINERS.	
FARM PRODUCTS GRADES AND SALES.	
ONTARIO FOOD TERMINAL.	
ALMA COLLEGE	
Corporation, limitation re holding land by.....	519, 520
power to deal with property.....	519
trust property.....	520
title of, to certain lands confirmed.....	520
right of reversion to former owners made void.....	520
APPRENTICESHIP	
commencement of Act.....	7
designated trade, re-defined.....	7
Industry and Labour Board, power to make regulations, amended.....	7
ASSESSMENT	
ABATEMENT OR REFUND OF TAXES	
application for, notice of.....	17
time of making.....	17
APPEALS	
form of list of, to court of revision.....	14
notice of hearing of, where assessment made by wards.....	13
revision of business assessment where real property assessment appealed	15
right of appeal in respect of additions to roll under section 57.....	11
to Ontario Municipal Board, generally.....	14
notice of hearing of.....	15
under sections 57, 57a, 125.....	15
ASSESSMENT	
by wards, notice of hearing of appeal by county judge.....	13
court of revision.....	13
of localities annexed to cities, towns and villages.....	13
special provision re making of, in 1947.....	12
time for taking of, in all municipalities.....	11, 12

ASSESSMENT—*Continued*

ASSESSMENT ROLLS	PAGE
binding notwithstanding errors.....	14
effect of delay in completing final revision of.....	12
special provisions re 1948 taxation.....	12
times for revision of.....	12
final return of.....	12
return of.....	12
year of birth, entry of.....	9
BUSINESS ASSESSMENT	
car parks.....	9
omissions of, appeal in respect of addition of.....	11
in whole or in part.....	11
revision of roll of, where real property assessment altered on appeal....	15
rooming-house proprietors exempt from, in certain cases.....	9
COLLECTOR'S ROLL	
audit of, delivery to treasurer for.....	16
deletion of references to "income" in.....	16
entry of names of tenants on, may be omitted.....	16
COMMENCEMENT OF ACT.....	18
COUNTY ASSESSOR	
appointment, powers and duties of.....	15, 16
COURT OF REVISION	
time for closing of.....	12
in county.....	12
DEPARTMENT	
approval of agreements re services supplied to public utilities.....	11
appointment of county assessor.....	15
FORMS	
4 and 5 amended, deletion of references to income.....	18
INCOME	
reference to, repealed.....	11, 14, 16, 18
MINES PROFITS	
assessable by school boards in unorganized territory.....	10
ONTARIO CROWN LANDS	
section 57 not to apply in respect of.....	10
PARRY SOUND	
provisions re sale of land for taxes in, repealed.....	18
PUBLIC UTILITIES	
agreements with municipality to pay for services.....	10, 11
subject to approval of Department.....	11
SECTION 57, not to apply to Ontario Crown lands.....	10
appeal from decision under.....	15
202, repealed.....	18
TAX ARREARS	
certificate of, fees payable for.....	17
statement of, to be furnished to county treasurer.....	17
TAXATION	
special provisions re 1948, adoption of 1947 roll.....	12
extension of dates re rolls.....	12
TAX DEED	
statutory declaration of treasurer affixed to.....	17, 18

ATHLETICS CONTROL	PAGE
commencement of Act.....	20
Fund, account.....	19
definition amended.....	19
establishment of.....	19
expenditures out of, for athletics and physical education.....	20
for recreation for crippled children.....	20
money and securities of Ontario Athletic Commission credited to	20
reimbursement of Consolidated Revenue Fund out of.....	20
tax, reduction, where proceeds for charitable purposes.....	19
refund where proceeds for charitable purposes.....	19

AUTOMOBILE INSURANCE

See INSURANCE.

B

BEES

honey containers,—	
duty to cleanse.....	21
penalty for failure to cleanse.....	21

BELLEVILLE (CITY)

Belleville General Hospital—

acquisition of lands for.....	521
audit.....	524, 525
Board of Governors of, absence of members.....	522
acquisition of property by.....	523
body corporate.....	523
borrowing power.....	525
composition.....	522
estimates.....	524
powers, generally.....	523
to fix salaries.....	525
pass by-laws.....	525
property vested in City.....	523
quorum.....	522
re-appointment.....	522
recovery of charges.....	524
term of office.....	522
time of appointment.....	522
cheques.....	524
gifts to Hospital deemed gifts to City.....	523, 524
management and control of.....	522
moneys, disposition of.....	524
provision of funds for purposes of.....	521
purchase of, by City, confirmed.....	521
special rates for expenses of.....	524
title to real property of, vested in City.....	521
commencement of Act.....	525
home for aged, grant by City for.....	525
debentures for.....	525
Public Utilities Commission, agreement with City re services.....	525

BELLEVILLE GENERAL HOSPITAL

See BELLEVILLE (CITY).

BIRDS

See GAME AND FISHERIES.
PROTECTION OF BIRDS.

BOARDS OF EDUCATION

commencement of Act.....	27
municipal board, corporation.....	27
date for first meeting of.....	26
defined.....	23
in town, village or township.....	23

BOARDS OF EDUCATION— <i>Continued</i>		PAGE
municipal board, in two or more municipalities.....		23, 24
appointment of members.....		25
cost of operation of.....		24
election of members.....		24, 25
liabilities of previous boards.....		24
property of previous boards.....		24
term of office of members.....		26
in unorganized territory.....		24
name of.....		27
residence qualification of member of.....		25
union board, date for first meeting of.....		27

BOARDS OF POLICE COMMISSIONERS

See POLICE.

BRITISH CHILD GUESTS

Act, who to administer.....	87
-----------------------------	----

BURKHOLDER, F. D., LIMITED

charter of company restored.....	527
commencement of Act.....	527
surrender of letters patent cancelled.....	527

BY-LAWS

See INVESTMENT CONTRACTS.

REAL ESTATE AND BUSINESS BROKERS.

C

CANADIAN LAKEHEAD EXHIBITION

commencement of Act.....	529
grant to Exhibition, by Fort William, authorized.....	529
Port Arthur, authorized.....	529

CANADIAN NATIONAL EXHIBITION ASSOCIATION

Association, agreements with members.....	541
municipalities.....	542
aid by municipalities authorized.....	542
corporation continued.....	530
defined.....	530
head office.....	531
membership.....	533-538
powers.....	531, 532
Board of Directors, cash and guarantee funds of.....	541
defined.....	530
membership of.....	538, 539
powers.....	539-541
president, etc.....	539
term of office of members of.....	539
vacancies.....	539
by-laws, existing, continued in force.....	542
power of Board to pass.....	539-541
commencement of Act.....	543
directors, defined.....	530
members, defined.....	530
repeal of former provisions.....	542, 543

CHANGE OF NAME

AFFIDAVITS

as to publication of notice.....	34
residence and bona fides.....	33
forms of, regulations re.....	36
on application for annulment of order.....	36

CHANGE OF NAME—*Continued*

ANNULMENT OF ORDERS	PAGE
application for.....	35
affidavit accompanying.....	36
hearing of.....	36
clerk of court to enter annulment order.....	36
delivery up of certificates on.....	36
grounds for.....	36
APPLICANT	
defined.....	29
qualifications of.....	30
APPLICATION	
affidavits accompanying.....	33
certificates accompanying.....	33
consent to, of wife and children.....	31
other parent or husband.....	31
contents of.....	32, 33
defined.....	29
documents to be filed on.....	34
fees payable on, regulations re.....	37
form of, regulations re.....	36
granting of.....	35
hearing of.....	34
objections at.....	34
scope of order on.....	35
notice of.....	39
persons entitled to make.....	30, 31
refusal of.....	34, 35
time for hearing.....	34
to be made to judge where applicant has resided one year.....	31, 32
exception.....	32
where name changed prior to June 26th, 1939.....	30
CERTIFICATE OF ORDER	
alteration of documents in accordance with.....	35
issuance of.....	35
regulations prescribing form of.....	36
CHANGE	
defined.....	29
prohibited except under Act.....	29
CHILDREN	
application by married man to include application for children.....	30
child, defined.....	29
consent of, when required.....	31
representative application on behalf of.....	30, 31
CLERK OF COURT	
documents to be filed with.....	29
duties as to order.....	35
on annulment.....	36
COMMENCEMENT OF ACT.....	37
CONSENTS	
of children included in application.....	31
wife included in application.....	31
DOCUMENTS	
endorsement of change of name on.....	35
FEES	
regulations prescribing.....	37
providing for return of.....	37
FORMS	
regulations prescribing.....	36

CHANGE OF NAME—*Continued*

FRAUD	PAGE
application for annulment on grounds of.....	35, 36
penalty for.....	36
INTERPRETATION	
applicant; application; change; child; given name; name; Registrar-General; surname.....	29
JUDGE OF COUNTY OR DISTRICT COURT	
annulment order, application for.....	35
grounds for making.....	36
refusal of.....	36
application to be made to.....	31
application where residence provision not fulfilled.....	32
additional notice.....	32
powers at hearing.....	34
refusal of application.....	34, 35
scope of order of.....	35
where unable to hear application.....	31, 32
NOTICE OF APPLICATION	
additional, in special case.....	32
publication of.....	34
affidavit as to.....	34
OBJECTIONS	
any person may make, at hearing.....	34
ORDER AS TO CHANGE OF NAME	
entry and transmission of.....	35
scope of.....	35
PENALTIES	
for failure to deliver certificate on order.....	36
for fraud in obtaining change of name.....	36
recovery of.....	36
PROHIBITION	
against changing name except under Act.....	29
exceptions.....	29
saving.....	29
REFUSAL OF APPLICATION	
grounds for.....	34, 35
REGISTRAR-GENERAL	
annulling order to be forwarded to.....	36
defined.....	29
order and affidavit to be forwarded to.....	35
order as to delivery of certificates when change annulled.....	36
REGISTRAR IN BANKRUPTCY	
certificate of, respecting persons changing names.....	33
REGULATIONS	
power to make.....	36, 37
REPEAL	
of former provisions.....	37
SHERIFF	
alteration of records by.....	35, 36
certificate of, as to executions.....	33
copy of annulment order to be sent to.....	36
particulars of order, etc., to be sent to.....	36
WIFE	
application by deserted.....	31
application by married man to include application for.....	30
consent of, when required.....	31

CHARITABLE INSTITUTIONS	PAGE
Act, who to administer.....	87
CHATHAM (CITY)	
annexation orders confirmed.....	545
effective dates.....	545
set out.....	546-553
commencement of Act.....	545
CHEESE AND HOG SUBSIDY	
Act of 1941 continued in force.....	39
commencement of Act.....	39
CHILDREN	
<i>See</i> ADOPTION.	
BRITISH CHILD GUESTS.	
CHANGE OF NAME.	
CHILDREN OF UNMARRIED PARENTS.	
CHILDREN'S PROTECTION.	
DAY NURSERIES.	
DEPENDANTS' RELIEF.	
DESERTED WIVES' AND CHILDREN'S MAINTENANCE.	
EDUCATION.	
MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT)	
MOTHERS' ALLOWANCES.	
VITAL STATISTICS.	
CHILDREN OF UNMARRIED PARENTS	
Act, who to administer.....	87
CHILDREN'S PROTECTION	
Act, who to administer.....	87
COMMISSIONERS FOR TAKING AFFIDAVITS	
commissioners <i>ex officio</i>	41
COMMUNITY HALLS	
boards, power to fix charges.....	43, 44
power to make rules re management.....	43, 44
grants in aid, amount of.....	43
township school areas.....	43
COMPANIES	
DISCOUNT BY-LAWS (MINING COMPANIES)	
effect of transmission or filing.....	46
penalty for failure to transmit or file.....	46
DIVIDENDS	
closing of books pending distribution of.....	46
INSURANCE COMPANIES	
commencement of section respecting.....	47
security on loan of insurers' funds.....	46, 47
LETTERS PATENT	
cancellation of, on default in filing of returns.....	45, 46
SUPPLEMENTARY LETTERS PATENT	
to convert private company into public company.....	45
former provision repealed.....	45
to convert public company into private company.....	45
confirmation.....	45
COMPANIES INFORMATION	
annual returns, power to vary statutory requirements.....	49
CONDITIONAL SALES	
corporation, affidavits where vendor is.....	51
contents of.....	51
former provision repealed.....	51
notices where vendor is.....	51
form of affidavit verifying claim, amended.....	51
renewal statement, amended.....	51, 52

CONTINUATION SCHOOLS	PAGE
arbitrators, on dissolution of continuation school.....	54
commencement of Act.....	55
county pupils, defined.....	53
resident pupils, attending another continuation school, fees for.....	54, 55
calculating of grants.....	55
defined.....	53, 54
CORONERS	
ACCOMMODATION	
duty to provide, for inquests.....	65
ATTORNEY GENERAL	
attendance of Crown Attorneys at inquests.....	63
counsel for, at inquests.....	63
may order evidence transcribed.....	65
power to direct inquest where criminal offence charged.....	61
magistrates to act as coroners.....	58
re-opening of inquests.....	61
extend coroners jurisdiction.....	58
order inquests.....	59, 60, 61
increase coroners fees.....	65, 66
BODIES (OF DECEASED PERSONS)	
duty of coroner when notified of.....	59
to give notice to coroner of.....	58
penalty for failure.....	59
in inaccessible places.....	59
viewing of, dispensed with.....	64
view of.....	59
warrant for possession of.....	59
when destroyed or removed from Ontario.....	60, 61
embalming, cremation, etc., prohibited.....	58
CHIEF CORONERS	
appointment of.....	57
powers and duties of.....	57
regulations re.....	68
salary of.....	57
CLERKS OF THE PEACE	
duty re coroners appointments.....	58
CONSTABLES	
appointment of.....	65
fees.....	66
in charge of wreckage.....	62
mileage allowance.....	66
oath.....	65
to name jurymen.....	63
CORONERS	
appointment of.....	57
deaths due to events beyond jurisdiction.....	60, 443
in inaccessible places.....	59
disqualification of.....	61
duty to give information to.....	58, 59
hold investigation.....	59
extended jurisdiction.....	58
fees.....	65, 66, 69
filing of copy of appointment of.....	58
magistrates, powers to act as.....	58
may hold inquest without jury.....	64
take charge of wreckage.....	62
mileage allowance.....	65, 66, 69
penalty for acting where disqualified.....	61, 62
powers re witnesses.....	63
power to employ experts in investigation.....	59
return of verdict.....	65
statutory declaration of grounds for inquest.....	60
taking of possession of body.....	59

CORONERS—*Continued*

CORONERS— <i>Continued</i>	PAGE
view of body	59
wreckage	62
warrant to take possession of body, issue of	59
where inquest unnecessary	59
COUNSEL	
for Attorney General, at inquests	63
may specify witnesses	63
CROWN ATTORNEYS	
attendance at inquests	63
consent to dispense with view of body	64
employment of experts	59
inquest without jury	64
take evidence in shorthand	64
deaths in inaccessible places, consent	59
employment of interpreters	65
fees and expenses	66
may order evidence transcribed	65
specify witnesses	63
power to direct magistrates to act as coroners	58
to order inquest	59
returns to be to, by coroners	65
transfer of inquests, consent	60
DIVISION REGISTRARS	
transmission of death notices to	59
EMBALMERS	
duty to give information to coroner	58
penalty for failure	59
EVIDENCE	
protection of witness as to	63
taking of, in shorthand	64
transcription of	65
translation of, by interpreter	65
EXPERTS	
employment of, in investigations	59
FEES	
constables	66
coroners	65, 66, 69
Crown attorneys	66
interpreters	66
jurors	66, 69
payment of	66-68
<i>post mortem</i> examinations and analyses	66, 69
responsibility for	66-68
stenographers	66
witnesses	66, 69
FINES	
payment of	68
FUNERAL DIRECTORS	
duty to give information to coroner	58
penalty for failure	59
GAOLS, ETC.	
deaths in	62
HOMES FOR THE AGED	
deaths in	62
INQUESTS	
accommodation for	65
authority to hold	60

CORONERS—*Continued*

INQUESTS— <i>Continued</i>	PAGE
deaths in gaols, etc.	62
in homes for the aged	62
powers of Attorney General to order	59, 60, 61
re-opening of	61
return of verdict	65
statutory declaration re holding of	60
taking evidence in shorthand	64
transfer of	60
where body destroyed, removed from Ontario, etc.	60, 61
criminal offence charged	61
unnecessary	59
without a jury	64
INSPECTOR OF LEGAL OFFICES	
duty re coroners appointments	58
INTERPRETERS	
employment of	65
fees	66
oath	65
INVESTIGATION	
duty of coroner to hold	59
employment of experts	59
of deaths in homes for the aged	62
JURIES	
finding	64
number of jurors constituting	63
verdict	64
view of wreckage by	62
where insufficient jurors appear	63
JURORS	
fees	66, 69
disqualification	64
mileage allowance	66, 69
non-attendance	64
qualification	64
LIEUTENANT-GOVERNOR IN COUNCIL	
may appoint chief coroners	57
coroners	57
supervising coroner	57
fix salary of chief coroners	57
supervising coroner	57
make regulations	68
MILEAGE ALLOWANCES	
constables	66
coroners	65, 66, 69
jurors	66, 69
payment of	66, 67, 68
responsibility for	66, 67, 68
witnesses	66, 69
ONTARIO PROVINCIAL POLICE	
investigations by	59
POST MORTEM EXAMINATIONS AND ANALYSES	
accommodation for	65
fees	66, 69
where inquest held	62
where no inquest held	62
PRACTITIONERS	
duty to give information to coroner	58
penalty for failure	59

CORONERS—*Continued*

REGULATIONS	PAGE
prescribing forms.....	68
powers and duties of chief coroners.....	57, 68
supervising coroner.....	57, 68
REPEAL	
Acts and parts of Acts repealed.....	68
SEALS	
unnecessary.....	68
STATIONERY, ETC.	
duty to provide.....	65
STENOGRAPHERS	
appointment of.....	64
fees.....	66
oath.....	64
transcription of evidence.....	65
SUMMONSES	
to jurors, service of.....	64
to witnesses, power to issue.....	63
service of.....	64
SUPERVISING CORONER	
appointment of.....	57
powers and duties of.....	57
regulations re.....	68
salary of.....	57
WARRANTS	
for possession of body.....	59
<i>post mortem</i> examination.....	62
the holding of an inquest.....	60
to bury body.....	59
WITNESSES	
fees.....	66, 69
mileage allowance.....	66, 69
non-attendance of.....	63
protection for.....	63
refusal to testify.....	63
who to be summonsed.....	63
WRECKS	
coroner may take charge of.....	62
view of.....	62
where death occurs in.....	62
CORPORATIONS TAX	
annual return by companies.....	74
application of Act.....	74
commencement of Act.....	74
companies, additional tax payable by.....	72
exemptions and deductions from "income" re natural gas and oil wells.....	72, 73
minerals.....	73
mines.....	73
insurance companies, tax payable by.....	71
lien, priority of.....	74
when to apply.....	74
regulations, as to form of returns, repealed.....	74
COUNTY COURTS	
deputy clerk of the Crown, reference to, deleted.....	75
opening day for court sittings, power to vary.....	75
hour for court sittings, power to vary.....	75
COUNTY JUDGES	
County Court of the County of York, arrangement of courts, etc.....	77

CROWN TIMBER	PAGE
Crown dues, power to increase and decrease.....	79
fire protection charges, power to increase and decrease.....	79
ground rents, power to increase and decrease.....	79
manufacturing conditions, penalties for contravention of.....	80
power to suspend.....	80
regulations respecting.....	80
set out.....	81
to prevail in all cases.....	80
wasteful forest practices, penalties, power to prescribe.....	80
recovery of.....	80
power to define.....	80
prohibition against.....	80

D

DAY NURSERIES	
Act, who to administer.....	87

DEPARTMENT OF EDUCATION

ADULT EDUCATION PROGRAMMES	
conditions governing payment of grants for.....	84, 85
distribution of money appropriated for.....	84
provision for.....	84

APPROVED COST	
definition of, for purposes of legislative grants.....	83, 84

APPROVED MAINTENANCE AND OPERATING COSTS	
definition of, for purposes of legislative grants for recreation.....	84

ATHLETICS AND PHYSICAL EDUCATION PROGRAMMES	
conditions governing payment of grants for.....	84, 85
distribution of money appropriated for.....	84
provision for.....	84
recreation for crippled children included in.....	86

CAMPING PROGRAMMES	
conditions governing payment of grants for.....	84, 85
distribution of money appropriated for.....	84
provision for.....	84

COMMENCEMENT OF ACT.....	86
--------------------------	----

COST OF OPERATING	
definition of, for purposes of legislative grants.....	83, 84

CRIPPLED CHILDREN	
programmes of athletics and physical education to include recreation for.....	86

CROWN LANDS	
cost of education of pupils residing on.....	83
Dominion.....	83
school attendance of pupils residing on.....	83

HISTORICAL, LITERARY AND SCIENTIFIC INSTITUTIONS	
conditions governing payment of grants for.....	84, 85
distribution of money appropriated for.....	84

LEGISLATIVE GRANTS	
for adult education, camping, and athletics and physical education, apportionment and distribution of.....	84
conditions governing payment of.....	84, 85
for educational purposes, apportionment and distribution of.....	83
conditions governing payment of.....	84
definitions for purposes of.....	83, 84

DEPARTMENT OF EDUCATION—*Continued*LEGISLATIVE GRANTS—*Continued*

for historical, literary and scientific institutions,	PAGE
apportionment and distribution of.....	84
conditions governing payment of.....	84, 85
for Provincial Athletic Training Camp,	
apportionment and distribution of.....	84
for recreation,	
apportionment and distribution of.....	84
conditions governing payment of.....	84, 85
definition for purposes of.....	84

PROVINCIAL ATHLETIC TRAINING CAMP

continued under control of Minister.....	86
distribution of money appropriated for.....	84

RECREATION PROGRAMMES

conditions governing payment of grants for.....	84, 85
definition of "approved maintenance and operating cost" for grants for.....	84
definitions of terms used in connection with.....	84
distribution of money appropriated for.....	84
provision for.....	84
regulations re establishment of committees for.....	85
special grants for.....	85

DEPARTMENT OF PUBLIC WELFARE

charitable institutions, regulations.....	88, 89
Department, annual report.....	88
created.....	87
defined.....	87
former Act and amendments repealed.....	89
Minister, defined.....	87
jurisdiction of.....	87, 88
powers of.....	88

DEPARTMENT OF REFORM INSTITUTIONS

custodial officers to be constables.....	91
--	----

DEPENDANTS' RELIEF

Court of appeal, powers of, on appeals from orders under Act.....	93
---	----

DESERTED WIVES' AND CHILDREN'S MAINTENANCE

CHILDREN

power to make orders as to custody and access.....	95
--	----

DEFAULT IN PAYMENT OF ORDERS

procedure to facilitate enforcement.....	95, 96
--	--------

DISTRICT HOMES FOR THE AGED

Act, who to administer.....	87
supervisor defined.....	443

DORCHESTER

See SOUTH DORCHESTER (TOWNSHIP).

DOVER (TOWNSHIP)

commencement of Act.....	556
sale of municipal telephone system authorized.....	555
effect of.....	555
execution of documents for.....	555
proceeds of.....	555, 556
<i>Public Utilities Act</i> not to apply to.....	556

E

EDUCATION

- See* BOARDS OF EDUCATION.
- CONTINUATION SCHOOLS.
- DEPARTMENT OF EDUCATION.
- HIGH SCHOOLS.
- PUBLIC SCHOOLS.
- SCHOOL SITES.
- TEACHERS' AND INSPECTORS' SUPERANNUATION.
- TEACHING PROFESSION.
- TRAINING SCHOOLS.
- VOCATIONAL EDUCATION.

EXHIBITIONS

- See* CANADIAN LAKEHEAD EXHIBITION.
- CANADIAN NATIONAL EXHIBITION ASSOCIATION.

F

FACTORY, SHOP AND OFFICE BUILDING

COMMENCEMENT OF ACT	PAGE 98
---------------------------	------------

FACTORIES

fencing or guarding of dangerous machines	97
guillotine-knives, shears, press dies, etc.....	97
machinery in motion, clearing of	97

RETAIL GASOLINE OUTLETS

additional powers of municipalities	97, 98
---	--------

FARM PRODUCTS CONTAINERS

commencement of Act.....	99
definition of "association" amended.....	99

FARM PRODUCTS GRADES AND SALES

commencement of Act.....	101
provision to ensure inspection of transported farm products.....	101

F. D. BURKHOLDER, LIMITED

- See* BURKHOLDER, F. D., LTD.

FEMALE REFUGES

judge, defined to include judge of juvenile court.....	103
--	-----

FIRE DEPARTMENTS

agreements and awards,—failure to provide in estimates for expenditures	106
when to take effect.....	105, 106
where estimates to provide for expenditures..	106
bargaining, request for, to be in writing.....	105
boards of arbitration, failure of members to agree.....	105
commencement of Act.....	107

FIRE PREVENTION

- See* FOREST FIRES PREVENTION.
- HOTEL FIRE SAFETY.
- LIGHTNING RODS.
- MUNICIPAL.

FISH

- See* GAME AND FISHERIES.
- LAKES AND RIVERS IMPROVEMENT.

FISHWAYS

- See* LAKES AND RIVERS IMPROVEMENT.

FOREST FIRES PREVENTION

ACT	PAGE
application of.....	110
repeal of former.....	121
ADDITIONAL FIRE PROTECTION	
appointment of special officers for.....	110
BURDEN OF PROOF	
closed area, in prosecution respecting.....	112
work permit, where fire in area of operations requiring.....	113
CIVIL ACTION	
Act not to affect any right to bring.....	110
CLOSED AREAS	
burden of proof in prosecution respecting.....	112
defined.....	109
designation of areas as.....	112
notice of.....	112
prohibition against entering, without authority.....	112
CLOSE SEASON	
establishment of.....	110
extension or restriction of.....	120
fire permit for setting out fire during.....	110
CROWN LAND	
fires, confined to, expenses of extinguishing.....	117
starting on, expenses of extinguishing.....	117
DEPARTMENT	
defined.....	109
expenses of, recovery of.....	120
respecting agreements with municipalities.....	116
ENGINE	
area surrounding, to be cleared.....	116
duty of engineer re safety appliances on.....	118, 119
injunction against use of.....	118
spark-arresters required on.....	118
regulations respecting.....	121
EXTINGUISHMENT OF FIRES	
costs of.....	116, 117
where confined to Crown lands.....	117
started on Crown lands.....	117
duty of municipality.....	116, 117
owner of land.....	117, 118
expenses where owner fails in duty.....	118
summoning assistance by officer for.....	117
FIRE DISTRICTS	
Act applies only to.....	110
creation of.....	110
defined.....	109
FIRE GUARDS	
regulations respecting.....	120
FIRE PERMITS	
authority conferred by.....	111
cancellation or suspension of.....	111
issue of, by an officer.....	111
limitations in.....	111
prohibition against fire except under.....	111
FORMS	
prescribing of, by regulation.....	120

FOREST FIRES PREVENTION—*Continued*

HONORARY FIRE WARDENS	PAGE
appointment of.....	110
INJUNCTION	
power of court to grant re use of engines, etc.....	118
INTERPRETATION	
closed area; Department; fire district; Minister; officer; owner; municipality; regulations; travel permit area.....	109
LAND	
clearing of, area surrounding camp, mill, etc.....	116
by officer.....	114
destruction of inflammable refuse resulting from.....	116
on complaint by municipality.....	114-116
Crown.....	117
LIEUTENANT-GOVERNOR IN COUNCIL	
fire districts, creation by.....	110
MINISTER	
action of, on complaint by municipality re uncleared land.....	114, 115
agreement with municipality respecting fire prevention.....	116
application for injunction re engines.....	118
closed area, designation by.....	112
defined.....	109
expenses of officer clearing land, recoverable by.....	114, 118
power to appoint honorary fire wardens.....	110
officers.....	110
special officers.....	110
MUNICIPALITY	
complaint re uncleared land adjacent to.....	114-116
recovery of expenses where land in organized territory... ..	115, 121
unorganized territory.....	115, 121
lien for.....	115, 116
defined.....	109
duty to extinguish fires.....	116, 117
OFFENCES	
accumulation of inflammable debris near municipality.....	116
closed area, entering without authority.....	112
dropping burning substances.....	119
engines, using without prescribed safeguards.....	118
failure to carry out officer's order to remove fire hazard.....	114
failure to obey officer's order for assistance.....	117
felling of trees on another person's land.....	116
fire prevention equipment, damage to.....	119
fire, setting out in close season without fire permit.....	111
live fire or coal, dropping of by railway.....	118
notices, damage to.....	119
obstructing officers.....	119
refusal to give information to officers.....	117
spark-arresters, destroying waste, etc., without.....	118
travel permit area, entering without travel permit.....	111, 112
wadding from fire-arms.....	119
woods operations, carrying on without work permit.....	112, 113
additional penalty.....	114
OFFICERS	
appointment of, to enforce Act.....	110
clearing of dangerous land by.....	114
defined.....	109
extinguishment of fires by, when municipal action not adequate.....	117
information to be given to.....	119
power respecting fire permits.....	111
travel permits.....	111
work permits.....	112-114
to summon assistance.....	117
right to enter premises.....	119
special appointment and pay of.....	110

FOREST FIRES PREVENTION—*Continued*

OWNER	PAGE
defined, generally.....	109
for purposes of section 14.....	114
PENALTIES	
generally.....	119-120
recovery of.....	120
PERMITS	
circumstances in which fire may be set out without.....	120
precautions to be taken by holders of.....	120
regulations respecting.....	120
<i>See FIRE PERMITS, TRAVEL PERMITS, WORK PERMITS.</i>	
REGULATIONS	
defined.....	109
Lieutenant-Governor in Council may make.....	120
respecting accumulation of debris.....	120, 121
collection of cost of work.....	121
REPEAL	
of former provisions.....	121
RIGHT-OF-WAY	
burning of inflammable material near railway.....	116
refuse resulting from clearing, to be burned.....	116
work permit required for clearing of.....	112, 113
TIMBER	
not to be felled on other person's land.....	116
TRAVEL PERMIT AREAS	
creation of.....	111
defined.....	109
prohibitions except under travel permit.....	111
TRAVEL PERMITS	
authority conferred by.....	111
cancellation or suspension of.....	112
issue of, by an officer.....	111
limitations in.....	112
prohibitions against entering travel permit area without.....	111, 112
WORK PERMITS	
application for.....	113
cost of extinguishing caused by operations requiring.....	113
limitations in.....	113
penalty for operating without.....	114
powers of officer in respect of.....	113
refusal of, where previous breach of section.....	114
required for certain operations.....	112, 113
FOREST HILL (VILLAGE)	
commencement of Act.....	557
sale of park lands by council, authorized.....	557
application of moneys received from.....	557
FORESTRY	
ADVISORY COMMITTEE	
duties.....	123, 124
establishment.....	123
interests to be represented.....	123
meetings.....	123
remuneration and expenses of members.....	123
secretary.....	123
FORT WILLIAM (CITY)	
grant to Canadian Lakehead Exhibition authorized.....	529

FUEL SUPPLY	PAGE
commencement of Act.....	126
electricity, Act not to apply to.....	126
gas fuels, controllers orders administrative.....	126
defined.....	125
powers of controller.....	125, 126
petroleum, Act not to apply to.....	126

G

GAME AND FISHERIES

BEARS	
provisions respecting regulation, repealed.....	129, 130
BEAVER	
hunting, taking, etc.....	130
COMMENCEMENT OF ACT.....	134
DEER	
seal, attachment of.....	132, 133
swimming.....	130
EVIDENCE	
<i>prima facie</i> , what constitutes.....	133
FISH	
setting apart of waters for conservation or propagation.....	131
FISH NETS	
sale of.....	129
FOXES	
open season in counties.....	134
GAME	
regulations for sealing or marking.....	134
GUNS	
prohibitions as to possession and discharge.....	131
IMPORTED ANIMALS AND BIRDS	
release of into natural cover, authority to.....	131
INTERPRETATION	
domestic animals and birds; ferret; fur-bearing animal; game; snare; trap.....	127, 128
LICENCES	
owners and employees of lumber camp, for guns.....	132
to hunt unprotected birds and animals.....	129
transfer of.....	129
MOOSE	
seal, attachment of.....	132, 133
swimming.....	130
MUSK-RATS	
use of dogs for.....	130, 131
NON-RESIDENTS	
where licence required.....	128
OFFICERS	
powers of search.....	128
OPEN SEASONS	
foxes, in counties.....	134
power to vary as to any game and any area.....	134

GAME AND FISHERIES—*Continued*

	PAGE
PROTECTED ANIMALS AND BIRDS	
killing or capturing.....	128, 129
ROYALTIES	
provisions as to bears, repealed.....	129, 130
SEIZURE AND CONFISCATION	
of game and equipment.....	133, 134
SHIPPING COUPONS	
attachment of, to animal.....	132
cancellation of.....	132
detachment of, from license.....	132
expired, use of.....	133
provision for.....	132
transfer of.....	129
where required.....	133
SHIPPING SEALS	
expired, use of.....	133
provision for.....	132
transfer of.....	129
where required.....	133
SQUIRRELS	
fox squirrels, prohibition as to hunting and killing.....	130
red squirrel deemed fur-bearing animal.....	127
GASOLINE STATIONS	
<i>See</i> FACTORY, SHOP AND OFFICE BUILDING.	
INDUSTRIAL STANDARDS.	
GAS STORAGE AREAS	
powers of Minister of Mines re.....	359
GENERAL SESSIONS	
sittings, power to vary opening day.....	135
GREATER NIAGARA GENERAL HOSPITAL TRUST	
<i>See</i> NIAGARA FALLS GENERAL HOSPITAL TRUST.	

H

HAMILTON ORPHAN ASYLUM	
commencement of Act.....	518
corporate name changed.....	517
effect of.....	518
corporation, objects of.....	517
Trustees, borrowing power of.....	518
debentures issued by.....	518
discretion of, in exercise of powers.....	518
investment of moneys.....	518
HAMILTON ST. ANDREW'S BENEVOLENT SOCIETY	
commencement of Act.....	562
trust lands, Trustees empowered to sell free of trust.....	561, 562
proceeds of sale of.....	562
HIGH SCHOOLS	
commencement of Act.....	140
county pupils, defined.....	137
high school boards, first meeting of.....	139, 140
name of.....	138
qualification of members of.....	138
to be corporations.....	138
transportation of pupils.....	140
resident pupils, defined.....	137, 138
territorial districts, composition of boards in.....	139
unorganized territory, assessment and levy by board in.....	138, 139
formation of board of district in.....	138, 139

HIGHWAY IMPROVEMENT	PAGE
commencement of Act.....	142
county road system, amendment of by-law establishing.....	141
removal of roads from.....	141
expenditures for calendar year, limit on estimate of.....	141, 142
HIGHWAY TRAFFIC	
COMMENCEMENT OF ACT	
application of amendments to Part XIII A.....	151
on Royal Assent.....	151
FINANCIAL RESPONSIBILITY	
filing of proof.....	143, 144
FUND	
application of section 93b.....	149, 150
consent judgment, effect of.....	149, 150
default judgment, effect of.....	149, 150
dispensing with requirements re payment.....	145
judgment creditors, rights of.....	144
maximum payments out.....	148, 149
order for action against Registrar.....	150
where owner known.....	150, 151
other remedies to be exhausted.....	147
payments out.....	148, 149
Registrar, may be added as defendant.....	150, 151
what to be shown on application.....	145, 146
when order may be made.....	147, 148
where stolen car involved.....	150, 151
INSURER	
no action under Part XIII A by.....	150
no application under Part XIII A by.....	145
LICENSES	
unlawful possession of.....	143
PENALTIES	
unlawful possession of license.....	143
unlawful possession of permit.....	143
PERMITS	
unlawful possession of.....	143
PUBLIC VEHICLE	
defined.....	143
UNSATISFIED JUDGMENT FUND	
See FUND.	
HOMES FOR THE AGED	
Act, who to administer.....	87
supervisor defined.....	444
HOSPITALS AID	
COMMENCEMENT OF ACT.....	155
GRANTS	
amounts.....	154
classes.....	154
deductions from.....	154
manner and times of payment.....	154
suspension or withholding.....	154
HOSPITAL AID FUND	
deficiency in.....	154
disbursement of moneys in.....	154
established.....	153
surpluses.....	154
what to be paid in.....	153, 154

HOSPITALS AID—*Continued*

HOSPITAL AID FUND ACCOUNT	PAGE
established.....	153
INDIGENT PATIENTS	
charge to municipality for treatment of.....	153, 154
INTERPRETATION	
dependant; Fund; hospital; Minister; municipality; patient; resident; Treasurer; treatment.....	153
PUBLIC HOSPITALS ACT	
amended.....	155
REGULATIONS	
power to make.....	153

HOSPITALS TAX

BOOKS	
of account, to be kept.....	162
COMMENCEMENT OF ACT.....	165
INTERPRETATION	
admission; Controller; owner; place of amusement; price of admission; purchaser; regulations; Treasurer.....	157, 158
LICENCES	
application.....	158
cancellation.....	158
expiry.....	158
fee.....	158
granting.....	158
posting up.....	158
required.....	158
remission.....	161
suspension.....	158
LIMITATION	
violations of Act or regulations.....	164
OFFENCES.....	160, 161, 165
PENALTIES.....	160-163, 165
REFUNDS.....	163
REGULATIONS	
power to make.....	165
REMEDIES	
do not affect other remedies.....	164
RETURNS	
additional information.....	161, 162
declarations or affidavits.....	165
enlargement of time for making.....	161
monthly.....	160
verification.....	160
SECRECY.....	165
TAX	
absorption of, prohibited.....	159
ascertainment of.....	162
collection of.....	159
expenses.....	158, 159
exemptions.....	159, 160
liability for.....	163

HOSPITAL TAX—*Continued*

TAX— <i>Continued</i>	PAGE
posting of schedule.....	159
priority.....	164
purchaser to pay.....	158
rate.....	158
recovery of.....	163
sale invoices.....	159
to be paid into Hospital Aid Fund.....	158

HOTEL FIRE ACCIDENTS PREVENTION

Act and amendments repealed.....	174
----------------------------------	-----

HOTEL FIRE SAFETY

AIR-CONDITIONING SYSTEM	
method of construction.....	174

AUTOMATIC SPRINKLER SYSTEM	
when lobby or place of public assembly to be equipped with.....	169

BALCONIES	
erection, installation and materials.....	173, 174
railings on.....	170
to be kept clear.....	171
width of, in connection with stairways.....	170

BOILER ROOM	
to be of fire-resistive construction and equipped with fire doors.....	171

DISPLAYS AND EXHIBITIONS	
controlling or prohibiting.....	174

DOORS	
beneath exterior stairways.....	170
erection, installation and materials.....	173, 174
opening to stairways, to be equipped with panic bolts.....	170

DRAWINGS AND SPECIFICATIONS	
submission to Fire Marshal.....	173

ELEVATOR SHAFTS AND DOORS	
construction of.....	171

EXITS	
construction of passage-ways leading to.....	170
installation and materials.....	173, 174
plan of, to be in each bedroom.....	171
requirements as to signs showing.....	171
to be kept clear.....	171

EXIT SIGNS	
electric.....	171
location of.....	171
requirements as to.....	171

EXTERIOR STAIRWAYS
See STAIRWAYS.

FIRE ALARM SYSTEM	
hotels to have.....	172
regulations to prescribe equipment.....	173, 174

FIRE DEPARTMENT	
duty to call.....	172

FIRE FIGHTERS	
standard of training to be prescribed.....	174
where to be on duty.....	172

HOTEL FIRE SAFETY—*Continued*

FIRE MARSHAL	PAGE
appeal to, from order of inspector	172, 173
decision of, to court	173
failure to prosecute application	173
defined	167
submission of drawings and specifications to	173
FIRE-PREVENTION AND FIRE-PROTECTION EQUIPMENT	
erection and materials	173, 174
FIRE-RESISTIVE	
fire wall where hotel or addition not	168
what hotels to be	168
FIRE WALL	
defined	167
erection, installation and materials	173, 174
requirements as to, where hotel or addition not fire-resistive	168
FLAMMABLE CURTAINS, DECORATIONS AND DRAPES	
controlling or prohibiting	174
FURNACE ROOM	
to be of fire-resistive construction and equipped with fire doors	171
HEATING SYSTEM	
method of construction	174
HOTEL FIRE ACCIDENTS PREVENTION ACT	
repeal of	174
HOTELS	
fire wall, requirements as to	168
more than two stories in height	168
additions to	168
remodelling	168
regulations re additions to, alterations in, construction and remodelling	173
stairways, provisions re	169
exceptions as to	169
INSPECTORS	
appointment of	173
orders of, how delivered	172
appeal from	172, 173
special powers	172
INTERPRETATION	
fire door; Fire Marshal; fire-resistive construction; fire wall; grade; hotel; incombustible; inspector; panic bolt; regulations; self-closing; smoke-proof; storey	167, 168
LANDINGS	
erection, installation and materials	173, 174
railings on	170
to be kept clear	171
MUNICIPAL BY-LAWS	
not affected by Act or regulations	174
PANIC BOLTS	
doors and window opening on stairways to be equipped with	170
PASSAGE-WAYS TO EXITS	
width and construction	170
PENALTIES	
failure to comply with order of inspector	173
operation of hotel in contravention of Act and regulations	173
conviction not bar to further proceedings	173

HOTEL FIRE SAFETY—*Continued*

PLACE OF PUBLIC ASSEMBLY	PAGE
arrangement, location and maintenance.....	174
automatic sprinkler system, when to be equipped with.....	169
method of construction.....	174
stairways from.....	169
RAILINGS	
on exterior stairways, height of.....	170
landing and balconies.....	170
REGULATIONS	
power of Lieutenant-Governor in Council to make.....	173
ROTATING DOORS	
requirements as to.....	171
SMOKE-PROOF BARRIERS	
in hotels not of fire-resistive construction.....	172
SPRINKLER SYSTEM	
inspector may require installation of.....	172
STAIRWAYS	
approaches to.....	170
balconies and landings, width of.....	170
doors and windows opening to.....	170
erection, installation and materials.....	173, 174
exception as to requirements.....	169
exterior, bottom flight may be counterbalanced.....	170
doors and windows beneath.....	170
in additions to hotels.....	170
buildings constructed for use as hotels.....	170
hotels of more than two storeys.....	169
remodelled buildings.....	170
railings.....	170
to be kept clear.....	171
to extend to ground.....	170
wall openings prohibited.....	170
in existing hotels.....	169
hotels hereafter built.....	169
minimum number and location of.....	169
minimum width.....	169
from place of assembly.....	169
passage way leading to, width and construction.....	170
where not giving direct egress.....	169
STANDARDS OF HOUSEKEEPING	
regulations to prescribe.....	174
VENTILATING SYSTEMS	
method of construction.....	174
WATCHMAN	
when to be employed.....	171
exception.....	171, 172
WINDOWS	
beneath exterior stairways.....	170
installation and materials.....	173, 174
opening to stairways.....	170
HOTEL REGISTRATION OF GUESTS	
notice of rates to be kept posted in bedrooms.....	175
penalty for failure to post notice.....	175
HOUSING DEVELOPMENT	
ADMINISTRATION OF ACT	
by Minister of Planning and Development.....	178
cost of.....	178

HOUSING DEVELOPMENT—*Continued*

BUILDING DEVELOPMENT	PAGE
defined.....	177
grants in aid of.....	177
BUILDING DEVELOPMENT AUTHORITIES	
incorporation, constitution and management.....	178
BUILDING DEVELOPMENT CORPORATION	
defined.....	177
Government authorized to advance moneys to.....	177
guarantee moneys to be advanced to.....	177
municipalities to assist in financing.....	177
COMMENCEMENT OF ACT.....	178
CONSOLIDATED REVENUE FUND	
cost of administration of Act to be paid out of.....	178
moneys required for purposes of Act to be paid out of.....	178
HOUSING LOANS	
Government may guarantee.....	177
terms and conditions to be prescribed by regulation.....	178
INTERPRETATION	
building development; building development corporation.....	177
REGULATIONS	
power of Lieutenant-Governor in Council to make.....	178
HYDRO-ELECTRIC POWER COMMISSION	
<i>See</i> POWER COMMISSION.	

I

INCOME TAX SUSPENSION	
commencement of Act.....	179
personal income tax suspended.....	179
returns under <i>Income Tax Act</i> (Ontario), provisions re, not affected....	179
INDUSTRIAL DISPUTES INVESTIGATION	
Act repealed.....	208
INDUSTRIAL FARMS	
employment of prisoners beyond limits of farm.....	181
conditions of.....	181
INDUSTRIAL STANDARDS	
RETAIL GASOLINE SERVICE INDUSTRY	
commencement of Act.....	184
defined.....	183
hours and days of work,—	
cessation of powers, Industrial Standards Officers.....	184
Industry and Labour Board.....	184
Minister of Labour.....	184
excluded from schedules.....	183
existing schedules modified.....	183
modified schedules, confirmed.....	184
posting up.....	184
publication.....	184
prosecutions.....	184
provision for early modification.....	183, 184
zone comprising more than one municipality.....	184
INQUESTS	
<i>See</i> CORONERS.	

INSURANCE

ACCIDENT AND SICKNESS INSURANCE	PAGE
statutory conditions, notice as to.....	192
special cases.....	192
AUTOMOBILE INSURANCE	
statutory conditions amended.....	191, 192
COMMENCEMENT OF ACT.....	192
INDEMNITY	
effect of violation of law on claim for.....	185
INSURERS	
effect of violation of law on claim for indemnity against.....	185
LIFE INSURANCE	
applications, statements, incontestability of.....	188
creditor's group life insurance, defined.....	185
group life insurance, age.....	188
certificates.....	187
defined.....	185, 186
enforcement of rights of person insured.....	189
insurance money, plan of payment.....	190
insured, defined.....	187
law applicable to.....	186
non-application of s. 129.....	186
s. 130.....	186
s. 138.....	188
policies.....	186, 187
reinstatement of lapsed policies.....	188, 189
surplus and profits.....	190
insurance money, payment into court, costs.....	191
of, where insured commits suicide.....	190, 191
place of payment.....	190
insured, defined.....	186
participating contracts, surplus and profits.....	190
policies, assignment to person insured.....	189
certificates.....	187
contents, group life.....	186, 187
other than group life.....	186, 187
less than \$2,000 in amount.....	187, 188
third party, on lives of minors.....	189
premiums, payment of, default, effect.....	188
SUICIDE	
effect of, on contract.....	190, 191
INVESTMENT CONTRACTS	
ADDRESS FOR SERVICE	
Superintendent to be notified of change in.....	198
ADVERTISING MATTER	
submission to Superintendent.....	198
ASSETS	
valuation of.....	198
AUDITOR	
to be acceptable to Superintendent.....	197
to certify statements filed with Superintendent.....	197
BALANCE SHEET	
filing of, by issuer.....	197
extension of time for.....	199
BOOKS	
inspection of, by Superintendent.....	197, 198

INVESTMENT CONTRACTS—*Continued*

	PAGE
COMMENCEMENT OF ACT.....	200
DOCUMENTS	
inspection of, by Superintendent.....	197, 198
FEES	
registration.....	200
FINANCIAL STATEMENTS	
filing of, with Superintendent.....	197
extension of time for.....	199
FORMS	
submission to Superintendent.....	198
to be prescribed by regulation.....	200
INSPECTION	
access on.....	198
of books, documents and records by Superintendent.....	197, 198
INTERPRETATION	
investment contract; filed; issuer; qualified assets; prescribed; registered; regulations; salesman; Superintendent.....	193, 194
INVESTMENT CONTRACT	
defined.....	193
exempted sales.....	199
filing form of.....	194
forms not to be filed.....	194
not to be deemed a security.....	200
who may issue.....	194
sell.....	194, 195
ISSUER	
defined.....	193
filing of statement by.....	197
balance sheet by.....	197
not to be deemed investment company.....	200
registration of corporation as.....	195
amount of capital stock to be subscribed.....	195
deposit of assets.....	195
granting of.....	196
material to be filed with Superintendent.....	195
suspension or cancellation.....	196
PENALTIES	
for violation of Act.....	199
recovery of.....	199, 200
under <i>Summary Convictions Act</i>	200
PROFIT AND LOSS STATEMENT	
filing of, with Superintendent.....	197
extension of time for.....	199
QUALIFIED ASSETS	
investments and securities to be designated as.....	200
RECORDS	
inspection of, by Superintendent.....	197, 198
REGISTRATION	
application for.....	196
address for service to be stated in.....	196
fee payable upon.....	200
granting of, to issuer.....	196
salesman.....	196
of corporation as issuer.....	195
salesman.....	195, 196

INVESTMENT CONTRACTS—*Continued*

REGISTRATION— <i>Continued</i>	PAGE
renewal of	196
fee payable upon	200
suspension or cancellation	196
appeal from decision of Superintendent	197
procedure	197
when to be set down	197
further application for registration	196
REGULATIONS	
defined	194
Lieutenant-Governor in Council may make	200
SALESMAN	
defined	194
registration as	194, 195
granting of	196
renewal of	196
requirements as to	195, 196
suspension or cancellation of	196
Superintendent to be notified of changes in employment, appointment or authorization	198
to notify Superintendent of change of address for service	197
STATEMENTS	
filing of, by issuer	197
extension of time for	199
to be certified by auditor	197
SUPERINTENDENT	
appeal from decision of	197
certification of decision on	197
application for registration to be made to	196
auditor to be acceptable to	197
balance sheet and profit and loss statement to be filed with	197, 199
defined	194
form of investment contract to be filed with	194
inspection of books, documents and records by	197, 198
material to be filed with, by issuer	195
registration, application for, to be made to	196
cancellation or suspension by	196
granting by	196
renewal	196
review of advertising and forms by	198
salesmen, notice as to, to be filed with	195, 196
statements to be filed with	197
to be notified of changes	198
IRON ORE	
remission of tax on	340

J

JUDICATURE	
hours of sittings	201
local masters, not to practice law	201
act as notary public or conveyancer	201
exception	201
vacancies in office	201
Official Guardian, agents outside Toronto	202
costs	202
auditor's statement	202
costs payable to	201, 202
to be paid into Account of Official Guardian	202

K

KINGSTON (CITY)	PAGE
commencement of Act.....	563
Public Utilities Commission may pay for municipal services.....	563
KNOX COLLEGE	
power of Senate to grant degrees in theology.....	565
repeal of S.O. 1881, c. 82; 1897, c. 102.....	565

L

LABOUR

See APPRENTICESHIP.
 FACTORY, SHOP AND OFFICE BUILDING.
 FIRE DEPARTMENTS.
 INDUSTRIAL DISPUTES INVESTIGATION.
 INDUSTRIAL STANDARDS.
 LABOUR RELATIONS.
 POLICE.
 STATUTE LABOUR.
 WORKMEN'S COMPENSATION.

LABOUR RELATIONS

ACT	
commencement of.....	208
expenses of administration.....	207
not to affect pending litigation.....	208
where not to apply.....	207
AGREEMENT	
Minister authorized to enter into, with Dominion.....	207
BOARD	
appointment.....	203
alternate chairman.....	203
chairman.....	203
defined.....	203
evidence, authority to receive and accept.....	204
office of, to be in Toronto.....	204
orders of, to be final.....	204
powers and duties.....	203
in proceedings before.....	204
quorum.....	204
decisions of.....	204
registrar.....	205
rules of procedure.....	204
salaries and expenses.....	207
tenure of office.....	203
oath of office.....	203
witnesses, powers re.....	204
DOMESTIC AUTHORITIES	
authority to exercise powers and discharge duties.....	206
DOMESTIC SERVANTS	
Act and regulations not to apply to.....	207
DOMINION GOVERNMENT	
agreement with.....	207
DOMINION LEGISLATION	
regulations to be based on.....	206

LABOUR RELATIONS—*Continued*

EMPLOYEES	PAGE
application of regulations to.....	205-207
appointment.....	205
authority to utilize services of Dominion and Provincial.....	206
decision on questions re.....	204
power to exclude from application of regulations.....	207
EMPLOYERS	
application of regulations to.....	205-207
decision on questions re.....	204
power to exclude from application of regulations.....	207
FARMING INDUSTRY	
Act and regulations not to apply to.....	207
FIRE DEPARTMENT	
Act and regulations not to apply to members of.....	207
INDUSTRIAL DISPUTES INVESTIGATION ACT	
repealed.....	208
INTERPRETATION	
Board; Minister; regulations.....	203
LABOUR RELATIONS BOARD ACT	
Acts of 1944, 1946 and 1947 repealed.....	207
outstanding certifications.....	208
to continue in force for purposes of continuing pending proceedings.....	208
MINISTER	
defined.....	203
may enter into agreement.....	207
MUNICIPAL BOARDS AND COMMISSIONS	
Act and regulations not to apply to.....	207
OFFICIALS OF BOARD	
appointment.....	205
ORDERS OF BOARD	
right of appeal from.....	205
to be final.....	205
POLICE FORCE	
Act and regulations not to apply to members of.....	207
PROVINCIAL AUTHORITIES	
authority to exercise powers and discharge duties.....	206
REGISTRAR OF BOARD	
appointment.....	205
REGULATIONS	
application of.....	205, 206
employees and employers to be excluded from.....	207
power to make.....	205-207
to be based on Dominion legislation.....	205, 206
where not to apply.....	207
RULES OF PROCEDURE	
authority of Board to make.....	204
SCHOOL BOARDS	
Act and regulations not to apply to.....	207
WITNESSES	
powers of Board re.....	204
LABOUR RELATIONS BOARD ACTS (1944, 1946, 1947)	
continuing effect for pending proceedings.....	208
repealed.....	207

LAING MARRIAGE SETTLEMENT	PAGE
accounts, passing of.....	568
commencement of Act.....	568
trust deed, set aside and declared void.....	568
trust funds, transfer of.....	568
LAKES AND RIVERS IMPROVEMENT	
fishways, provision upon request of Minister.....	444
upon order of Lieutenant-Governor.....	444
LAND TITLES	
list of conveyances to be furnished municipality.....	444
fee for.....	444
LEGISLATIVE ASSEMBLY	
provision re employment of members by Dominion during war, repealed	444
LIGHTNING RODS	
Act	
application of.....	212
former, and amendments repealed.....	213
AGENTS	
licence.....	210
application for.....	210
expiration of.....	210
fee for.....	210
form of.....	213
restriction as to selling and installing.....	210
BUILDINGS	
alterations or additions to, by other than licensee.....	212
CERTIFICATE OF INSTALLATION	
disposal of copies.....	211
form of.....	213
information to be contained in.....	211
to be signed by owner or agent.....	211
DAMAGE BY LIGHTNING	
right to recover for loss.....	212
commencement of action.....	212
notice of claim.....	212
FIRE MARSHAL	
defined.....	209
allocation of fees towards maintenance of office of.....	212
licensing, powers as to.....	209, 210
authority to suspend or revoke licenses.....	210
prohibition against selling or installing unless licensed by.....	209
INSPECTOR	
appointment of.....	212
defined.....	209
may order alterations or additions to installations.....	211, 212
report.....	211, 212
form of.....	213
seal of, where installations in conformity with Act and regulations.....	212
INSTALLATIONS	
alterations and additions to.....	212
regulations to prescribe method of making.....	213
to conform with Act and regulations.....	212
non-conforming.....	211
INTERPRETATION	
Fire Marshal; inspector; lightning rods; regulations; Treasurer.....	209
LICENCE TO SELL AND INSTALL	
application for.....	209, 213
duty to exhibit.....	210, 211

LIGHTNING RODS—*Continued*

LICENCE TO SELL AND INSTALL— <i>Continued</i>	PAGE
expiration of	210
fees for	209, 210
application of	212
form of	213
agent's	210, 213
issue of, by Fire Marshal	210
suspension and revocation	210
LICENSEE	
restriction as to goods sold or installed by	210
MINIMUM STANDARDS	
to be prescribed by regulation	212
PENALTIES	
for non-compliance with Act and regulations	211
REGULATIONS	
Lieutenant-Governor in Council authorized to make	212, 213
SAMPLES	
to be submitted with application for licence	210
LONDON (CITY)	
Board of Hospital Trustees	570
qualification of members	570
vacancies	570
commencement of Act	571
community centre, raising funds for contribution to	569
George Marshall, agreement by City with, confirmed	569
power of City to establish and maintain hospitals confirmed	570, 571
War Memorial Children's Hospital, Endowment Fund, application of	
income from	569
unexpended income from	570

M

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT)

ACT	
extent of	219
DEPOSITIONS	
admissible in evidence	219
DOCUMENTS	
how proved	219
LIEUTENANT-GOVERNOR IN COUNCIL	
may make rules of practice	219
reciprocating states, declaration as to	219
MAINTENANCE ORDERS	
defined	215
made elsewhere, enforcement in Ontario	215, 216, 219
made in Ontario, transmission	216
provisional, against person resident in Ontario	
appeal	219
confirmation	218
hearing	218
renvoy	218
rescission	218
provisional, against person resident outside Ontario	
appeal	217
application	216
confirmation	217

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT)

—*Continued*MAINTENANCE ORDERS—*Continued*

provisions, against person resident outside Ontario— <i>Continued</i>	PAGE
court statements.....	216, 217
renvoy.....	217
rescission.....	217
transmission.....	216, 217
reciprocating states	
how constituted.....	219
rules of practice and procedure.....	219
 MECHANICS' LIENS	
form of notice of trial, amended.....	445
<i>See UNCLAIMED ARTICLES.</i>	
 MENTAL HOSPITALS	
war veterans, insane, treatment of, agreement authorized.....	221
 MILK CONTROL	
ARBITRATION	
award.....	228, 229
board.....	228
costs.....	228
notice.....	228
when required.....	226, 227
COLLECTIVE BARGAINING	
agreement.....	228, 229
notice.....	227
representatives.....	227, 228
when required.....	226, 227
COMMENCEMENT OF ACT.....	233
INTERPRETATION	
agreement; award; Board; distributor; field-men; inspector; licence; market; marketing; marketing agency; milk; Minister; processor; regulations; transporter.....	223, 224
MARKETING AGENCIES	
application for.....	226
constitution.....	226
information, furnishing of, to Board.....	226
objects, powers, duties.....	226
MILK	
additional, produced.....	230
additional, required.....	229, 230
defined.....	224
distribute, who may.....	229
process, who may.....	229
supply, who may.....	229
transportation of, by producers co-operatives.....	230, 231
MILK CONTROL	
administrative officer.....	224
chairman.....	224
constitution.....	224
continued.....	224
injunction proceedings.....	232
powers, duties.....	224–228
quorum.....	224
regulations, power to make.....	231, 232
salaries.....	224
staff.....	224
PENALTIES.....	232

MILK CONTROL—*Continued*

PRODUCERS' ASSOCIATIONS	PAGE
existing minister's orders in force.....	230
expenses, licence fees to defray.....	230
REGULATIONS.....	231, 232

MINING

ABANDONED WORKINGS	
explosives at, disposal and storage.....	262
gas test to be made.....	271
inrush of water from.....	331
plans of, to be filed.....	335
shafts, fencing of.....	246, 247, 333
ABANDONMENT OF OPERATIONS	
notice of, to be given.....	333
plans to be filed before.....	335
power lines to be disconnected.....	313
ACCIDENTS, FATAL	
coroner's inquest to be held.....	247, 248
notice of, to be given.....	248
procedure as to.....	247, 258
scene of, not to be disturbed.....	248
removal of wreckage from.....	248
ACCIDENTS, NON-FATAL	
aid to injured.....	256
notice of, to be sent to Inspector.....	331
prevention of, Inspector's powers.....	336
See also WORKMEN, PROTECTION OF	
rockbursts, notice of, to be given.....	332
record of, to be kept.....	332
ACETYLENE GAS	
generation underground forbidden.....	253
ACIDS	
storage of.....	284
AGENT OF OWNER	
responsibility of. See OWNER.	
AIR-BREAK SWITCHES	
when required.....	318
AIR RECEIVERS	
to be inspected.....	289, 290
APPLICANT	
meaning of term.....	243
medical examination of.....	244
unemployed miner regarded as.....	245
ASPHYXIATION	
to be reported.....	331
ASSESSMENT WORK	
core-drilling to count as.....	237
forfeiture of lease for non-performance.....	338
geophysical surveys to count as.....	238
BATTERIES, STORAGE	
protection of.....	325
BELTS, CONVEYOR	
riding on, forbidden.....	282, 283

MINING—Continued

	PAGE
BINS, STORAGE	
precautions for work in.....	284, 285
BLAST FURNACES	
rules as to.....	288, 289
BLASTING	
electric, rules as to.....	267, 268
firing devices.....	267, 324, 325
entrances, blocking of.....	266
to be protected.....	264
fuses, rules as to.....	259, 265, 266
in shaft, lowering of men after.....	275
missed holes, rules as to.....	266, 267
number of men and lights.....	266
of roast heaps, forbidden.....	264
on adjacent claims.....	264
return to scene of.....	265, 267
signal, hoisting.....	279
time of, to be fixed.....	272
warning required.....	264, 265
workings to be examined daily.....	271
BOILERS, STEAM	
distance required from shaft.....	254
gauges; safety valves.....	289
inspection of, required.....	289
BRAKES, HOIST	
rules as to.....	293, 294, 320
BROKEN MATERIAL	
precautions as to.....	270
BUCKET, HOISTING	
attachments to rope.....	292, 297, 301
crosshead required.....	290
hoisting of men in.....	275, 276
use of, in shafts, rules as to.....	270, 275-277
BUILDINGS, SURFACE	
exempted from provision of the Act.....	236
fire-fighting equipment in.....	252
BUILDINGS, UNDERGROUND	
protection of, from fire.....	252
BULKHEAD	
failure of, to be reported.....	331
meaning of term.....	257
rules as to.....	257, 258
CABLE, HOISTING	
<i>See</i> ROPE, HOISTING.	
CABLES, LIGHTING AND POWER	
<i>See</i> ELECTRICITY.	
CABLES, SHOT-FIRING	
rules as to.....	267, 268
CAGES OR SKIPS	
call system from, forbidden.....	278
chairs, operation of.....	276, 292
construction of.....	290-292
hoisting of men in, rules as to.....	276, 277, 280
rope connections.....	297, 301
safety appliances.....	291, 292
to be examined.....	302, 303

MINING—*Continued*

CAGETENDER	PAGE
limit of labour hours not applicable to	241
must know English	250
must know rules	250
CARBIDE, CALCIUM	
storage and distribution of	252, 253
CAVING	
to be reported	331, 332
CERTIFICATES, MEDICAL	
interpretation of terms re	243
required by hoistmen	242
rules respecting	244-246
CERTIFICATE, TEST	
of hoisting rope, required	298, 301
of power cable for underground required	326
CHAIRS	
not to be used when men are handled	276
operation of, rules as to	292
signal to be given to hoistman before operation of	276
CHIEF INSPECTOR	
approval of rope installations required	297
of shaft conveyances	291, 292
of stench warning	255
fatal accidents to be reported to, immediately	248
may approve special signals	280
designate fire hazard area	252
exempt from medical examination	246
order refuge stations	255, 256
suspend rules	248
report of boiler inspection to be sent to	289
rope records to be sent to	298
written notices required by	313, 332, 333
CHILDREN, EMPLOYMENT OF	
restrictions on	239
CLAY PITS	
rules re operations in	282-284
CLOSING DOWN OF MINE	
explosives to be disposed of	262
plans to be filed before	335
procedure to be followed	333
COMBUSTION ENGINES	
surface installations	254
underground installations	258
COMPANY	
miner's license for—effect of	236
issued after Oct. 1	338
renewal of	236
COMPRESSED AIR	
receivers, inspection of, required	289, 290
transfer of liquids by	255, 284
CONNECTIONS BETWEEN MINES	
breaking through, protection in	265
rules as to	255, 256
CONTRACTORS	
liability of, as to rules	250

MINING—*Continued*

CONVEYORS	PAGE
riding on, forbidden.....	282, 283
CORONER	
eligibility of.....	247
CORONER'S INQUEST	
rules as to.....	247, 248
COUNTERWEIGHTS	
attachments to rope.....	297, 301
for elevators.....	286, 287
protection from fall of.....	282
separate compartment required.....	269
CRANES	
age of operator.....	285
daily examination of, required.....	286
electric, rules as to.....	325, 326
riding on, forbidden.....	285
warning devices required.....	286
CROSSHEADS	
rules as to.....	290
CRUSHING PLANTS	
rules as to.....	284-288
DAMAGE TO PROPERTY	
wilful, prohibited.....	329
DAMS AND BULKHEADS	
defined.....	257
failure of, to be reported.....	331
rules as to.....	257, 258
to be shown on mine plans.....	257, 334
DEATHS	
accidental, procedure re.....	247, 248
DECKMAN	
must know English.....	250
must know rules.....	250
to be notified of explosives in shaft.....	263
DEISEL ENGINES	
location of.....	254
DEPARTMENT OF MINES	
mine plans to be filed with.....	335
statistical returns to be sent to.....	333
DERRICK	
hoisting of persons by.....	283
DETONATORS	
must be used in blasting.....	265
storage of.....	261
transportation of.....	263
DIAMOND DRILLING	
counts as assessment work.....	237
holes, rules as to.....	273
DOORS	
at shaft collar and entrances.....	269, 276, 282
of cage, rules as to.....	276, 290

MINING—Continued

DRESSING ROOM	PAGE
to be provided.....	259
DRIFTS	
See WORKINGS.	
DRILLING	
See also DIAMOND DRILLING.	
rules as to.....	264-266
DUMPING IN SHAFT	
protection from, rules as to.....	275, 276
DUST	
removal of, from mills and plants.....	284
water for laying of.....	272
DUST EXPOSURE OCCUPATION	
employment of persons in.....	243-246
meaning of term.....	243
ELECTRIC HOISTING EQUIPMENT BOOK	
entries required in.....	322, 323
to be available to Inspector.....	323
ELECTRIC HOISTS	
rules as to.....	320-323
ELECTRIC MOTORS	
connections to be protected.....	317
control and protection of, rules as to.....	319, 320
underground, fire prevention about.....	328
ELECTRIC SIGNAL SYSTEMS	
protection of.....	325
return signal required.....	278
underground.....	327, 329
ELECTRICAL APPARATUS	
competent person to be in charge of.....	308
control and protection of.....	317-320
fire protection for.....	326, 328
ELECTRICAL EQUIPMENT	
See also ELECTRICITY.	
control of.....	318
general requirements as to.....	308
leads to be protected.....	319
live, repairs not to be made on.....	308
to be grounded.....	309
underground, fire protection about.....	328
working space required near.....	313, 319
ELECTRICITY	
blasting by, rules as to.....	267, 268, 324, 325
bus bars to be guarded.....	319
cables, "armoured", definition of term.....	304
for underground use, rules as to.....	326-328
portable, specifications for.....	315, 316
shot-firing, precautions as to.....	324
circuits, control and protection of.....	316-318
grounded, not to be used for blasting.....	325
grounding of, rules as to.....	308-310, 327
hoisting, breakers for.....	321, 325
lighting, rules as to.....	323
collectors, trolley, to be elevated.....	326

MINING—Continued

ELECTRICITY—Continued	PAGE
conductors, connections to apparatus.....	317
general rules as to.....	315-317
neutral, on lighting circuits, to be identified.....	323
protection against short circuit or overload.....	317, 318
supply stations.....	313
underground, special rules for.....	326-329
control devices, rules as to.....	313, 314, 316-320
underground installations.....	326, 327
cut-outs, rules as to.....	317
firing devices, rules as to.....	324
fuses, rules as to.....	317, 324
general rules as to.....	308
heaters, in thaw houses.....	324
underground.....	328
hoisting by, rules as to.....	320-323
insulation specifications.....	306
junction boxes, underground.....	327, 328
lamps, portable, style permitted.....	323
lighting fixtures, rules as to.....	323
live parts, fire extinguishers for.....	326
guarding of.....	323
repairs not to be made on.....	308
to be enclosed.....	313, 316
storage batteries, protection of.....	325
supply stations, rules as to.....	312-314
switchboards, rules as to.....	314
switches, air-break type required.....	318
for electric hoists.....	321
temporary wiring.....	316
good contact required.....	318
in explosive storages.....	324
on cranes and elevators.....	325
to be guarded.....	316
to be locked or tagged.....	308
terms used, interpretations of.....	304-307
transformers, grounding of.....	309
rules as to.....	311, 312
special, for underground.....	328, 329
transmission lines, rules as to.....	314, 315
transmission underground, rules as to.....	326, 327
trolley wires, rules as to.....	326
underground installations, rules as to.....	326-329
to be shown on plans.....	334
utilization equipment, term defined.....	307
working space about.....	319
voltages, supply stations.....	313
trolley wires.....	326
underground installations.....	327
wiring, defective, to be repaired or removed.....	308
in explosive storages.....	323, 324
temporary.....	315, 326
ELEVATORS	
age of operators.....	285
clearance required.....	287
disconnection of power to be provided for.....	325
protection on.....	287
safety devices required.....	287
signalling devices required.....	287
EMERGENCY	
exits.....	253, 254
hours of labour not limited in.....	241
EMPLOYEES	
<i>See also</i> WORKMEN.	
age restrictions.....	239, 242, 285
carelessness with explosives an offence.....	262
female.....	240

MINING—*Continued*

EMPLOYEES— <i>Continued</i>	PAGE
medical examination of.....	243-246
must observe rules.....	249
qualifications of, responsibility as to.....	239
underground, checked in and out.....	272
hours of labour, rules as to.....	240, 241
ENGLISH LANGUAGE	
knowledge of, required.....	250
ESCAPEMENT SHAFT	
requirements as to.....	253, 254
EXITS	
auxiliary, to be provided.....	254
EXPLOSIONS	
accidental, to be reported.....	331
premature, precaution against. . .	268
to be reported.....	331
EXPLOSIVES	
<i>See also</i> BLASTING.	
carelessness with, an offence.....	262
cartridge paper not to be removed.....	264
cases, opening of.....	260
defective, to be disposed of.....	260, 261
to be reported.....	259
detonators to be stored separately.....	261
first in storage to be used first.....	260
in shut-down mines.....	262
open lights to be kept from.....	261
packages must be marked.....	259
primers, rules as to.....	263
removal of, written permission required for.....	262
rules as to, must be posted.....	260
smoking near, forbidden.....	261
storage of.....	259-262
storage places, electrical equipment in.....	323, 324
inspection of, required.....	261
thawing of.....	262, 324
transportation of.....	263, 264
FANS, VENTILATING	
must be fire-proof.....	258
FATALITIES	
<i>See</i> ACCIDENTS, FATAL.	
FENCING	
of shafts and openings.....	268
of unused workings.....	246, 247
removal of, unauthorized.....	329
FINES	
for offences.....	337
FIRE	
building of, underground, prohibited.....	251
outbreak of, to be reported.....	331, 332
signal in case of.....	279
FIRE DOORS	
rules as to.....	255
FIRE-FIGHTING EQUIPMENT	
for electrical installations.....	326, 328
where required.....	252, 253
FIRE HAZARD AREAS	
rules as to.....	252, 271

MINING—*Continued*

FIRE-PROOFING	PAGE
required, in structures.....	252
in ventilating fans.....	258
FIRE PROTECTION	
at electrical installations.....	326, 328
rules as to.....	250–256, 328
FIRST AID	
supplies for, to be provided.....	257
FOREMAN	
blast furnace, duties of.....	289
duty as to knowledge of rules.....	250
limit of labour hours not applicable to.....	241
must know English.....	250
FUELS, LIQUID	
storage of.....	254
transfer of.....	255
FURNACES	
rules as to.....	288, 289
FUSES	
blasting, rules as to.....	259, 265, 266
electric, rules as to.....	317, 324
GARDEN LAND	
closed to prospecting.....	237
GAS	
compressed, transportation of underground.....	253
generating of, underground, forbidden.....	253
inflammable, in mine workings, to be reported.....	271
poisonous, protection from.....	284, 288, 289
unused workings to be tested for.....	271
GATES	
required at hoistway entrances.....	268, 282, 286
GAUGES, PRESSURE	
required, for boilers.....	289
for hoists.....	296
GEOPHYSICAL SURVEYING	
counts as assessment work.....	238
GOVERNMENT CABLE TESTING LABORATORY	
wire rope to be tested at.....	298, 299
GRAVEL PITS	
rules re operations in.....	282–284
GREASE AND OIL	
rules as to.....	251
GRINDING WHEELS	
to be guarded.....	281
GROUNDED	
meaning of term.....	305
GROUNDING	
of lightning arresters.....	311
of telephone circuits.....	325
rules, general.....	308–310
underground installations.....	327

MINING—Continued

GUARD BLOCKS	PAGE
required at track switches.....	282
GUARD RAILS	
required, at approaches to tracks.....	285
at elevator and other entrances.....	282
near dangerous machinery.....	281
on tops of furnaces.....	289
GUIDE RAILS	
for cars and counterweights.....	286
HAND-RAILS	
bustle-pipe platform.....	288
ladders.....	275
runways or stagings.....	282
stairways.....	274
HAT, PROTECTIVE	
to be worn, underground.....	268
where designated.....	268
HATCHWAY	
protection of entrance to.....	282
HAULAGE	
clearance required for cars.....	281, 287
electric locomotive to be neutralized when unattended.....	281
of explosives underground.....	263, 264
on inclines, deraill to be provided.....	283
riding on cars forbidden.....	281
warning equipment and tail-light required.....	281
HAZARDOUS WORK	
supervision of, required.....	289
HEAD SHEAVE	
diameter of.....	303
HEADFRAME	
at inclined shaft, to have platforms.....	273, 274
junction boxes not to be located in.....	328
proximity of buildings to.....	254
HIGHWAYS	
explosives to be stored away from.....	260
HOISTING	
<i>See also</i> BUCKET.	
CAGES.	
HOISTMAN.	
HOISTS.	
after stoppage for repairs.....	292
conveyances, construction and operation of.....	290-292
permissible loads.....	277, 280
safety appliances to be tested.....	302, 303
electrically, rules as to.....	320-323
equipment, abnormal operation to be recorded by hoistman.....	294
examination of, required.....	297
installation, notice to be given of.....	332
tests of, to be recorded.....	291
in pits and quarries, rules as to.....	283
of men, after blast.....	275
and material.....	276, 277
auxiliary overwind device required.....	322
discipline to be observed in.....	281
hoist clutch to be kept in when.....	293
open lights forbidden.....	280
when not permitted.....	276, 277

MINING—Continued

HOISTING—Continued		PAGE
procedure, rules as to.....	292–294	
prohibited under given conditions.....	292	
rope. <i>See</i> ROPE, HOISTING.		
signals, code of.....	278, 279	
rules as to.....	278–280	
warning to hoistman.....	322	
HOISTING MACHINERY RECORD BOOK		
entries required in.....	300, 303, 304	
hoist examinations to be recorded in.....	297	
responsibility as to.....	303	
rope-attachment examinations to be recorded in.....	301–303	
HOISTMAN		
age limit.....	242	
duties as to signals.....	279, 280	
emergency switch to be available to.....	322	
hours of labour.....	241	
must, know English.....	250	
know rules.....	250	
remain at controls.....	280	
qualifications required.....	242	
to be notified of explosives in shaft.....	263	
HOISTMAN'S LOG BOOK		
entries required in.....	292–294, 301	
HOISTS		
<i>See also</i> HOISTING.		
brakes, rules as to.....	293, 294, 320	
clutches, rules as to.....	293, 295	
controls, special testing of.....	296	
depth indicator required.....	296	
drums, rope connections to.....	297, 298	
rules as to.....	277, 293, 295, 296	
electric, rules as to.....	320–323	
installation, notice of to be given.....	332	
overwind and underwind devices required.....	292, 296, 322	
permissible load to be certified.....	297	
working condition to be recorded by hoistman.....	293	
HOISTWAYS		
gates required at entrances to.....	286	
guarding and lighting of.....	286	
guide rails in.....	286, 287	
INCLINED SHAFTS		
ladders and platforms required in.....	270, 273	
INFLAMMABLE LIQUIDS		
storage and transportation of.....	251	
INFLAMMABLE MATERIAL		
forbidden near electrical installations.....	328	
in shaft-house, rule as to.....	251	
refuse, accumulation forbidden.....	251	
written report on, required.....	251	
INJURED PERSONS		
aid to.....	256, 257	
INQUEST		
holding of.....	247, 248	
INSPECTOR		
<i>See also</i> CHIEF INSPECTOR.		

MINING—*Continued*INSPECTOR—*Continued*

	PAGE
authority as to blasting on contiguous claims.....	264
bucket devices.....	270, 275
coroner's inquest.....	248
crosshead design.....	292
electric hoists.....	322, 323
explosives underground.....	261
fencing of abandoned mines.....	247
fire hazard underground.....	252
firing devices, electric.....	267
guard-rails at track approaches.....	285
hoisting of men and materials.....	277, 278
interpretation of terms.....	242
rescue crews.....	240
shaft conveyances.....	277, 291, 303
site and structure of magazines.....	260
splice boxes in shaft.....	328
stench warning.....	255
suspension of rules.....	248
thaw houses.....	262
transformers, underground.....	328
certificate of, is evidence.....	250
evidence may be taken by.....	366
information to be furnished to.....	333
meaning of term.....	239
mine plans to be available to.....	335
non-compliance with orders of, an offence.....	337
notices to be sent to.....	331-333
powers and duties of.....	336
record books to be open to.....	277, 299, 304, 323
reports by.....	336
reports to, required re carelessness with explosives.....	262
defective explosives.....	259
tests of shaft conveyances.....	291, 292

INSULATION

specifications.....	306
---------------------	-----

INTERNAL COMBUSTION ENGINES

rules as to.....	254, 258
------------------	----------

INTERPRETATION OF TERMS

electrical.....	304-307
general.....	239
hours of labour.....	241
medical certificates.....	243
used in rules.....	250

INTOXICATING LIQUOR

rule against.....	329
-------------------	-----

JUDGE

may rule as to party wall.....	330, 331
--------------------------------	----------

LABOUR

See EMPLOYEES.

LADDERS

construction of.....	274
escapement shaft.....	254
in pits and quarries.....	284
to project above platform.....	274
vertical position forbidden.....	273
wire rope.....	274

LADDERWAYS

See also MANWAYS.

in mines, rules as to.....	270, 273, 274
in pits and quarries.....	284
to top of blast furnace.....	288

MINING—*Continued*

LAMPS, PORTABLE	PAGE
style permitted.....	323
LEASE	
application for.....	238
forfeiture of, for non-performance of work.....	338
LEVEL STATIONS	
bucket landing device at.....	270
explosives to be kept clear of.....	263
gates at.....	268
shaft lining at.....	269
signalling code to be posted at.....	280
LEVELS	
safety stations on.....	281
simultaneous operation on.....	270
to be shown on mine plans.....	334
LICENSE	
required for prospecting.....	236
to company, effect of.....	236
fee for.....	338
who may renew.....	236
LICENSEE	
assays free to.....	237
may surrender mining lands.....	338
LIEN ON PROPERTY	
cost of fencing by Inspector.....	247
LIFE LINES	
to be provided and used for work in bins.....	284
in metallurgical works.....	288
in open pit operations.....	283
in shafts and raises.....	272
LIGHTNING ARRESTERS	
rules as to.....	310, 311
LIQUID FUELS	
storage and transfer of.....	254, 255
LIQUOR	
rule against.....	329
LOCKING GEAR AND DEVICES	
for shaft obstructions.....	321
on hoist clutches.....	295
LOCOMOTIVES	
control levers, rule as to.....	326
haulage of explosives, rules as to.....	263, 264
head lights required on.....	325
unattended, to be neutralized.....	331
warning equipment on.....	281, 326
MACHINERY	
protection from, rules as to.....	281, 282, 284
term defined.....	235
MACHINERY RECORD BOOK	
See HOISTING MACHINERY RECORD BOOK.	
MAGAZINES	
electricity in.....	323, 324
rules as to.....	260, 261
transfer of explosives from.....	263

MINING—*Continued*

MAGNETIC SURVEYS	PAGE
may count as assessment work.....	238
MANAGER	
consent of, required to remove explosives.....	262
may make rules for mine.....	249
meaning of term.....	239
record books to be kept by.....	272, 298, 303, 323
responsibility as to accidents.....	247, 331, 332
dump boxes in shaft.....	321
examination of cranes.....	286
hoisting equipment.....	297, 322
hoisting ropes.....	302, 303
shafts.....	271, 272
workings.....	271
explosives in storage.....	259, 262
life lines.....	271
mine plans.....	334, 335
rescue crews.....	240
rules, knowledge and enforcement of.....	249, 250
sanitation.....	258
scaling bars.....	271
to appoint substitute.....	249
MANWAYS	
in pits and quarries.....	283, 284
to be closed during repair work.....	273
to be partitioned from hoistway.....	273
tops to be protected.....	271
MECHANICAL RULES	
hoisting and shaft equipment.....	290-304
MEDICAL EXAMINATIONS	
regulations as to.....	243-246
METALLURGICAL WORKS	
rules as to.....	284-288
MILL HOLE	
top to be protected.....	271
MILLING PLANTS	
rules as to.....	284-288
MINE(s)	
adjoining, blasting on.....	264
connections between.....	255
party wall.....	330
closing down of.....	313, 333, 335
<i>See also</i> ABANDONED WORKINGS.	
employment in and about.....	239, 240
operations, notices required as to.....	333
refuge stations in.....	255, 256
rules for, made by manager.....	249
term defined.....	235
unsafe, powers of Inspector as to.....	336
ventilation of.....	258
water in.....	257, 258
MINE CAPTAIN	
inflammable refuse to be certified by.....	251
missed holes to be reported by.....	266
responsibility as to rules.....	249
MINE ENTRANCES	
buildings near.....	254
explosives to be kept clear of.....	263
fire protection at.....	250
to be guarded.....	268

MINING—*Continued*

MINE PLANS	PAGE
diamond drill holes to be plotted on.....	273
location of underground dams to be shown on.....	257
regulations as to.....	334, 335
MINERS	
<i>See also</i> WORKMEN.	
equipment for warning required.....	255
MINER'S CERTIFICATE	
holder of, re-examination.....	245
unemployed.....	245
issue of.....	245
meaning of term.....	243
MINER'S LICENSE	
<i>See</i> LICENSE.	
MINING COURT	
<i>See</i> JUDGE.	
MINING LANDS	
<i>See also</i> LEASE.	
voluntary surrender of.....	338
MINISTER OF MINES	
approval of special rules required.....	249
authority as to, connection between mines.....	255
geophysical surveys as work.....	238
may appoint committee on mine safety.....	256
declare lease forfeited.....	338
establish rescue stations.....	240
testing laboratories.....	329, 337
file notice, determination of title.....	338
order special report.....	336
prescribe charges for record books.....	329
register lien for fencing.....	247
statistical returns under instructions of.....	333
MISSED HOLES	
examination for.....	264, 267
must be reported and blasted.....	266
time before return to scene of.....	265
MOLTEN MATERIAL	
protection from.....	285, 286
NOTICES, REQUIRED	
accidents, fatal.....	247, 248
non-fatal.....	331
completion of work ordered by Inspector.....	337
coroner's inquest, adjourned.....	248
mine operation.....	332, 333
special occurrences in mines.....	331, 332
NOTICES TO BE POSTED	
<i>See also</i> SIGNS.	
permissible load of shaft conveyance.....	280
rules, abstract of.....	329
care and use of explosives.....	260
special.....	249
OFFENCES AGAINST THE ACT	
<i>See also</i> PENALTIES.	
carelessness with explosives.....	262
failure to comply with order of Inspector.....	337
to erect fences after notice.....	247
to furnish mine plans.....	335
to make statistical returns.....	334
to report completion of work ordered.....	337
insanitary conduct.....	259
removal of posted signs.....	329

MINING—Continued

OFFICE BUILDINGS	PAGE
exempted from provisions of the Act.	236
OIL AND GREASE	
storage of.	251
underground, amount allowed.	251
OIL-FILLED TRANSFORMERS	
rules as to.	311
OPEN FLAME LIGHTS	
forbidden near explosives.	261
in cages, rules as to.	280
in surface buildings, rule as to.	252
OPEN PIT OPERATIONS	
rules as to.	282-284
OPEN WORKINGS	
top to be guarded.	271
OPERATIONS, MINING	
abandonment of (<i>see</i> ABANDONMENT).	
suspended, resumption of.	333
ORE	
frozen in hopper, precautions as to.	289
stock piles, inspection of, required.	285
OVERHEAD OPERATIONS	
protection from, required.	268
OVERLOADING	
electric hoists, circuit-breaker to check.	321
of circuits, control devices against.	307, 317
protection of motors against.	320
OVERWIND DEVICES	
on air or steam hoists.	296
cranes.	286
electric hoists.	320-322
elevators.	287
tests of, to be recorded.	293
to be tested by hoistman.	292
OWNER	
duty of, as to, abandonment of operations.	313, 333
appointment of manager.	249
facilities to manager.	250
fencing of unused workings.	247
notices and information.	331-333
plans of mine workings.	334
statistical returns.	333
liability of, under Act.	246, 337
may surrender mining lands or rights.	338
responsibility of (<i>see</i> MANAGER).	
rights of, as to party wall.	330
PARTY WALL	
regulations as to.	330, 331
PATENT	
application for.	238
erroneous, may be cancelled.	239
PENALTIES	
<i>See also</i> OFFENCES.	
employment of persons illegally.	246
obstruction of party wall.	330
offences against Part VIII.	336

MINING—*Continued*

PIPING SYSTEMS	PAGE
for grounding electricity, use and method of connection.....	310
PITS	
fencing of.....	247, 268
internal combustion engines in.....	258
operations in, rules as to.....	282-284
PLANS, MINE	
See MINE PLANS.	
PLATFORMS, LANDING	
rules as to.....	273, 274, 284
POISONOUS COMPOUNDS OR VAPOURS	
See also GAS.	
antidotes and washes for.....	284
storage of.....	284
PORTALHOUSE	
See SHAFTHOUSE.	
POWER PLANT	
installation, notice of, to be given.....	332
to be disconnected at abandoned mine.....	313
PREMATURE EXPLOSION	
precaution against.....	264, 268
to be reported.....	331
PRIMERS, BLASTING	
rules as to.....	263
PROPERTY DAMAGE	
wilful, prohibited.....	329
PROSPECTING	
lands closed to.....	237
license required for.....	236
QUARRY	
internal combustion engines in.....	258
owner, to furnish plans.....	335
make statistical returns.....	333
rules as to operations in.....	282-284
RAILWAYS, MINE	
See HAULAGE.	
RAILWAYS, PUBLIC	
electric supply lines over.....	315
explosives to be stored away from.....	260
RAISES	
blasting in, rules as to.....	266, 267
protection in, rules for.....	268-273
RECORDS REQUIRED	
See also ELECTRICAL HOISTING EQUIPMENT RECORD BOOK.	
HOISTING MACHINERY RECORD BOOK.	
HOISTMAN'S LOG BOOK.	
ROPE RECORD BOOK.	
SHAFT INSPECTION RECORD BOOK.	
hoistmen's medical certificates.....	243
rockbursts.....	332
REFUGE STATIONS	
rules as to.....	255, 256

MINING—Continued

REFUSE, INFLAMMABLE	PAGE
rules as to.....	251
RESCUE CREWS	
required at all mines.....	240
RESCUE STATIONS	
need of equipment to be reported immediately.....	332
regulations as to.....	240
RESUMPTION OF OPERATIONS	
notice of, to be given.....	333
RESUSCITATING APPARATUS	
required in blast furnaces.....	289
ROAST HEAPS	
blasting of.....	253
ROCKBURSTS	
notice of, to be given to inspector.....	332
record of, to be kept.....	332
ROPE, HOISTING	
abandoned, must be removed from shaft.....	298
certificate of maker required.....	298
connections, rules as to.....	297, 301, 302
discarding of, rules as to.....	298, 300
dressing, rules as to.....	300
examination of, required.....	302
history to be recorded.....	298, 299
length required on hoist drum.....	298
new, to be tested under load.....	301
permissible load.....	277, 278
reversal of.....	298
safety factors required.....	299, 300
splicing prohibited.....	297
tests required.....	298, 299, 301
used, precautions as to re-use.....	299
special tests required.....	301
ROPE LADDERS, WIRE	
frayed rope forbidden.....	274
ROPE RECORD BOOK	
data to be entered in.....	298, 301
RULES	
abstract of, to be posted.....	329
duty as to knowledge of.....	250
for mine, may be made by manager.....	249
responsibility as to carrying out of.....	249, 250
suspension of, by Chief Inspector.....	248
SAFETY APPLIANCES	
crossheads.....	290
elevators.....	287
shaft conveyances.....	291, 292
examination and testing of.....	302, 303
SAFETY VALVES	
required for steam boilers.....	289
SAND AND GRAVEL PITS	
internal combustion engines in.....	258
rules re operations in.....	282-284
SANITATION	
rules as to.....	258, 259

MINING—Continued

SCALE CAR	PAGE
warning equipment required on.....	285
SCALING	
equipment for, to be provided.....	272
responsibility for.....	271
SHAFTS	
See also HOISTING.	
abandoned, rope to be removed from.....	299
accident involving, to be reported.....	331
blasting in, lowering of men after.....	275
to be electrical.....	267
change of gradient to be indicated.....	296
collar, doors at.....	270
explosives not to be left near.....	263
internal combustion engine near.....	254
notice to be posted at.....	280
steam boiler near.....	254
conveyances, construction and operation of.....	290-292
dump boxes in.....	320, 321
electric cables in, rules as to.....	328
entrances, gates at.....	268
escapement.....	253
explosives, storage of, near.....	261
transportation of, in.....	263
fire doors to protect.....	255
hoisting practice in.....	275-278
inspection of, protection during.....	269, 270
to be made and recorded.....	271, 272
ladderways or stairways in.....	273, 274
lining of, required.....	269, 275
signal system required in.....	278
sinking, equipment, rules as to.....	269, 290
operations, rules as to.....	269, 275-277
stations. See LEVEL STATIONS.	
timbering of.....	269, 270
top to be fenced off.....	247, 268, 333
SHAFT INSPECTION RECORD BOOK	
rules as to.....	271, 272
SHAFTHOUSE	
buildings near.....	259
fire-fighting equipment in.....	252
inflammable materials not to be stored in.....	251
SHEAVE WHEELS	
diameter of.....	303
examination of.....	297
SHIFT(S)	
hours of labour underground.....	241
meaning of term.....	241
non-continuous, to keep written records.....	272
oncoming, to be warned of missed holes.....	266
SHIFT BOSS	
duty to know rules.....	250
responsibility as to, enforcement of rules.....	249
inflammable refuse.....	251
missed holes.....	266
SIGNAL(S)	
See also TELEPHONES.	
blasting; danger.....	279
devices, condition of, to be recorded.....	293
elevators to be equipped with.....	287
to be approved by Chief Inspector.....	278
to be examined.....	283

MINING—Continued

SIGNAL(S)—Continued	PAGE
electric systems underground, rules as to.....	327, 329
hoisting, code and rules.....	278-281
system required in pits and quarries.....	283
special, rules as to.....	280
to be given only by authorized person.....	280
warning to hoistman.....	322
SIGNS, POSTING OF	
<i>See also</i> NOTICES.	
at approaches to magazines.....	260
at emergency exits.....	254
at manways under repair.....	273
not adequate to warn of blasting.....	265
on electric switches.....	318
SILICA-FREE MINES	
exempt from provisions of Act.....	246
SILICOSIS	
<i>See</i> CERTIFICATES, MEDICAL.	
SKIPS	
hoisting practice, rules as to.....	275-278
SKIPTENDER	
must know English.....	250
rules.....	250
SLAG POTS	
examination of, before use.....	285
molten material in, precautions as to.....	286
SMOKING	
forbidden in fire hazard areas.....	252
near explosives.....	261
STAIRWAYS	
blast furnaces.....	288
in plants, to be partitioned.....	286
in quarries and pits.....	283, 284
in shafts, when permissible.....	274
STATISTICAL RETURNS	
regulations as to.....	333, 334
STEAM BOILERS	
<i>See</i> BOILERS.	
STENCH WARNING	
rules as to.....	255
STOCK PILES	
daily inspection required.....	285
STOPES	
<i>See also</i> WORKING PLACES.	
rules as to.....	271
STORAGE BATTERIES	
protection of.....	325
STRETCHERS	
to be provided for injured.....	257
SUB-CONTRACTORS	
liability of, as to rules.....	250
SUPERINTENDENT	
notices to be given by.....	331-333

MINING—Continued

SURFACE BUILDINGS See BUILDINGS, SURFACE. MAGAZINES.	
SURVEYS, GEOPHYSICAL count as work	PAGE 238
SWITCHBOARD meaning of term	
rules as to	307 314
SWITCHES, ELECTRIC See ELECTRICITY.	
SWITCHES, RAIL guard-blocks required at	
	282
TANKS, FUEL transfer of fuel to	
	255
TELEPHONES exposed equipment, protection of	
refuge stations	325 255
to furnace top	288
wires underground to be protected	329
TESTING LABORATORIES for hoisting rope	
may be established and operated by Minister of Mines	298, 299 329, 337
THAW HOUSES construction and maintenance of	
electrical equipment in, rules as to	260–262 323, 324
TIMBER unused, to be removed from mine	
	251
TIMBERING accident involving, to be reported	
in raises	331 270
in shafts, cage to be protected from	290
rules as to	269
of mine workings	270
TORCHES, WELDING precautions as to use of	
	253
TRACKS, RAILWAY gates on, at hoistway	
guard-blocks for frogs	268 282
guard rails at approaches to	285
in quarries	283
TROLLEYS rules as to	
use of, for transporting explosives	326 264
TUNNELS protection in	
trolley wires in	270 326
UNDERGROUND BUILDINGS protection from fire in	
	252
UNDERGROUND WORKINGS See also WORKING PLACES. breaking through, precautions as to	
electrical installations, rules as to	265 326–329
examination of, required	271

MINING—Continued

UNDERGROUND WORKINGS—Continued		PAGE
explosives in.....	261, 263	
inflammable material in.....	251	
ladderways in.....	274	
open, to be guarded.....	271	
sanitation in.....	259	
timbering in.....	270	
unused (<i>see</i> ABANDONED WORKINGS).		
ventilation of.....	258	
water in.....	257, 258	
UNDERMINING		
in clay or gravel pits, forbidden.....	282	
UNEMPLOYED HOLDER OF CERTIFICATE		
re-examination of.....	245	
VENTILATION		
at furnace tops.....	288	
in plants.....	284	
of mines.....	258, 266	
VOLATILE LIQUIDS		
storage and transportation of.....	251	
WALLS		
of levels, clearance for cars.....	281	
party, regulations as to.....	330, 331	
WARNING DEVICES		
<i>See also</i> SIGNALS.		
on cranes.....	287	
hauling engines.....	281, 326	
stench.....	255	
WATER		
for dust laying.....	272	
in mines, handling of.....	257, 258	
inrush from unused workings to be reported.....	331	
WELDING		
underground, precautions as to.....	253	
WINZES		
<i>See also</i> SHAFT.		
blasting in, to be electrical.....	267	
ladderways required in.....	273	
hoisting in, rules as to.....	275	
protection in, rules for.....	268-273	
WIRE-ROPE LADDERS		
frayed rope forbidden.....	274	
WIRES, ELECTRIC		
<i>See</i> ELECTRICITY.		
WITNESSES		
attendance of, may be compelled.....	336	
WOMEN		
employment of.....	240	
sanitation rules as to.....	258	
WORK		
<i>See</i> ASSESSMENT WORK.		
WORKING PLACES		
entrances to, must be guarded when blasting.....	264	
precautions against closing of.....	266	
faces to be examined for missed holes.....	267	
protection in, rules as to.....	268-273	
ventilation of, after blasting.....	266	

MINING—Continued

WORKINGS

See MINE PLANS.

UNDERGROUND WORKINGS.

WORKMAN	PAGE
meaning of term.	241

WORKMEN

See also EMPLOYEES.

duty of, as to blasting.	264, 266, 267
life-lines.	272, 283, 285
knowledge of English required.	250
protection of, from machinery.	281, 282
in blast furnaces.	288, 289
metallurgical works.	285, 286
shafts and working places.	268-277
powers of Inspector as to.	336
refuge stations for.	255, 256
underground, equipment for warning, required.	265

WORKMEN'S COMPENSATION ACT

first aid supplies required under.	257
medical officer appointed under.	243

WORKMEN'S COMPENSATION BOARD

provides funds for rescue stations.	240
---	-----

WRECKAGE

removal of, from scene of fatality.	248
---	-----

MINING TAX

acreage tax, where Act applicable to mining rights only.	339
where not payable.	339
forfeiture, registration of certificate, effect of.	339
iron ore, remission of tax on.	340
natural gas, tax on.	339, 340
remission of.	340

MOTHERS' ALLOWANCES

Act

administration expenses.	344
commencement.	344
who to administer.	88

ADMINISTRATION

expenses, provision for payment of.	344
---	-----

ALLOWANCE

special cases.	342, 343
where payable.	341, 342

INTERPRETATION

allowance; beneficiary; Commission; investigator; local authority; local board; Minister; permanently unemployable; regulations.	341
---	-----

LIEUTENANT-GOVERNOR IN COUNCIL

may appoint commission.	343
direct allowance in special cases.	342, 343
make regulations.	343, 344

LOCAL AUTHORITY

appointment of.	344
defined.	341
oaths, power to take.	344

MINISTER

to approve appointment of local authorities.	344
--	-----

MOTHERS' ALLOWANCES—*Continued*

MOTHERS' ALLOWANCES COMMISSION	PAGE
chairman.....	343
composition.....	343
decisions, finality of.....	343
duties.....	343
quorum.....	343
MUNICIPAL CLERK	
where to be local authority.....	344
REGULATIONS.....	343, 344

MUNICIPAL INSTITUTIONS

BOARD OF CONTROL	
maximum salary where population 100,000-150,000.....	347
150,000-200,000.....	347
BOAT LIVERY KEEPERS	
licensing, etc.....	354
BY-LAWS	
restraining contravention by action.....	357
CHILDREN	
riding behind vehicles, former provisions repealed.....	352, 353
new provisions.....	351
COAL DEALERS	
by-law may require ticket showing weight to be delivered.....	352
COMMENCEMENT OF ACT.....	357
COUNCIL	
power to fix polling date.....	346
FIREMEN AND FIRE COMPANIES	
appointment and establishment.....	349
former provisions repealed.....	352, 353
GAOLS	
care.....	348
employees, appointment.....	348
sick leave credits.....	348
workmen's compensation.....	348
surgeon.....	348
HAWKERS AND PEDLARS	
license fee.....	355
persons exempt from requirement of license.....	354, 355
HEATING PLANT AND EQUIPMENT	
regulation and inspection.....	352
HIGHWAYS	
pipelines, conduits, etc., former provision repealed.....	351
new provisions.....	349
safety zones, former provision repealed.....	352, 353
new provisions.....	351
traffic, regulation of, former provisions repealed.....	352, 353
new provisions.....	351
IMPROVEMENT DISTRICTS	
board of trustees, separate school member on.....	345
to function as local boards.....	345
INCOME	
references to, repealed.....	347, 355, 356

MUNICIPAL INSTITUTIONS—*Continued*

	PAGE
JUNK	
references changed to salvage.....	354, 356
JUSTICES OF PEACE	
provision that certain officers to be, repealed.....	348
MASTER IN CHAMBERS	
reference changed to master.....	347
MEMBERS OF COUNCIL	
disqualification of member of transportation system board.....	345
exception as to being member of other public utility board.....	346
vacancy in office of councillor.....	347
MONEY BY-LAWS	
amount to be raised annually.....	348
PIPE LINES	
laying in highways.....	349
PITS AND QUARRIES	
former provisions repealed.....	352, 353
regulating, etc.....	350
PUBLIC BATHS	
licensing, etc.....	353
PUBLIC GARAGES	
includes building used for washing motor vehicles.....	352, 353
revocation of license.....	352, 353
RATEABLE PROPERTY	
reference to income removed from definition.....	347
RECREATION	
carrying on and aiding community programmes.....	349
SIDEWALKS	
canopies projecting over.....	356, 357
horses or cattle on, former provisions repealed.....	352, 353
new provisions.....	351
SPORTS	
assistance to athletic and aquatic.....	348
grants to persons for achievements in.....	348, 349
STABLES, ETC.	
former provisions repealed.....	352, 353
regulating location, etc.....	350
STRAYED PIGEONS	
trapping and exterminating.....	352
STREETS	
naming and surveying, former provisions repealed.....	352, 353
new provisions re.....	350, 351
TOURIST CAMPS	
limitation on amount of license fees.....	355
TOWNS	
vacancy in office of mayor, reeve or deputy-reeve.....	346
TRAILER CAMPS	
limitation on amount of license fees.....	355
VILLAGES	
vacancy in office of reeve or deputy reeve.....	346
WEIGHING MACHINES	
limitation re fees removed.....	353

N

NATURAL GAS CONSERVATION	PAGE
gas storage areas, power of Minister re	359
NEGLIGENCE	
actions, limitation of	362
commencement of section 2	362
defendant, adding by praecipe	361
order	361, 362
third party, adding by order	362
tort feasons, recovery as between	361
NEW TORONTO (TOWN)	
board, defined	559
commencement of Act	559
pension scheme for employees of town or board authorized	559
<i>Municipal Act</i> , s. 307 (1) not to apply to by-law re	559
NIAGARA FALLS (CITY)	
bus franchise, agreement set out	580-583
by-law 4152 set out	579
validated	577
commencement of Act	578
Department of Highways' powers not affected by franchise	577
transportation system, purchase by city	577, 578
NIAGARA FALLS GENERAL HOSPITAL TRUST	
Board of Trustees, constitution of	560
re-appointment of members	560
term of office of members	560
special provisions	560
vacancies	560
corporate name changed	559
effect of	559
corporation, constitution of	559, 560
objects of	560
NIAGARA PARKS	
penalties for breach of regulations, imposition	445
recovery of	445
NORTHERN DEVELOPMENT	
Assistant Commissioner, appointment	363
certificates of discharge, confirmed	365
liens, powers of Commissioner	363-365
releases, confirmed	365
NOTARIES	
appointment, revocation of	367
NURSES REGISTRATION	
Act and amendments repealed	445

O

OFFICIAL GUARDIAN

See JUDICATURE.

OLD AGE PENSIONS

Act

administration expenses	373
commencement	374
who to administer	88

OLD AGE PENSIONS—*Continued*

	PAGE
AGREEMENT	
Canada-Ontario, authorized.....	369
FORMS.....	373, 375, 376
INTERPRETATION	
Commission; investigator; local authority; local board; Minister; person; regulations.....	369
LOCAL AUTHORITY.....	373
NOTICE GRANTING PENSION	
contents.....	372
discharge fee.....	372
notice.....	372
execution.....	372
registration, effect of.....	372
fee.....	372
OLD AGE PENSIONS COMMISSION	
appointment.....	370
chairman.....	370
decisions, finality of.....	370
duties.....	370
quorum.....	370
PENSIONS	
cessation.....	371
exempt from taxation.....	370
no attachments, etc.....	370
over payment.....	371
payment to trustee.....	370, 371
recovery.....	371
where Canada refuses to contribute.....	371
REGULATIONS.....	372, 373
ONTARIO FOOD TERMINAL	
canned foods, removed from definition of fruit and produce.....	446
ONTARIO LOAN	
commencement of Act.....	377
loan of \$100,000,000 authorized.....	377
terms.....	377
sinking fund.....	377
ONTARIO NORTHLAND TRANSPORTATION COMMISSION	
auditor.....	379
annual statement.....	379
commencement of Act.....	379
fiscal periods.....	379
powers,—financial, additional.....	379
OTTAWA (CITY)	
assumption of liabilities of Railway Company by City.....	591
<i>City of Ottawa Act, 1941</i> , amended re date of entry on expropriated lands.....	592
commencement of Act.....	592
debentures, city may borrow by, for purchase of Railway Company... ..	590
issue in payment of purchase price.....	590, 591
for purchase not included in City debt.....	591
Department of Highways, powers not affected.....	592
<i>Ottawa City Transportation Act</i> , amended.....	585-592
Ottawa City Transportation Commission, name changed.....	585
Ottawa Electric Railway Company, agreement by City with, confirmed set out... ..	592, 593

OTTAWA (CITY)—Continued

Ottawa Transportation Commission—	PAGE
acquisition of land by City for purposes of	592
acquisition of Ottawa Electric Railway Co. by	586
agreement to purchase	589
<i>Bulk Sales Act</i> not to apply	589
effect of	586
proceedings for	589
actions against	591
body corporate	585
composition of	589
establishment of	585
financial reports to be given to Council	588
payment to City of debenture charges	589
powers of, to agree respecting taxes and mileage fees	588
operate public vehicles	588
operate transportation system	587
purchase assets of Railway Co.	587, 588
<i>Railway Act</i> , ss. 210, 234, 235 inapplicable	592

OTTAWA CITY TRANSPORTATION

Act, amendments to	585-592
------------------------------	---------

OTTAWA LADIES' COLLEGE

Board of Trustees, appointment of Executive Committee	596
composition of	596
powers of	596
commencement of Act	597
Corporation, affairs managed by Board of Trustees	596
application of property	597
membership of	597
powers with respect to property	597
Presbyterian Church in Canada, references to, deemed to be references to United Church	597
repeal of inconsistent Acts and parts of Acts	597
1898, c. 74, ss. 2, 5, 6, 17, re-enacted	596, 597
s. 12 (3), re-enacted	597

OTTAWA LIGHT, HEAT & POWER CO., LTD., PURCHASE

commencement of Act	381
powers, exercise of, in adjacent municipalities authorized	381
approval of Lieutenant-Governor in Council required for	381
purchase of Ontario assets of company by Ottawa, authorized	381
approval of Lieutenant-Governor in Council required for	381
assent of electors not required for debentures for	381

P

PARKS

 See NIAGARA PARKS.

PETERBOROUGH (CITY)

annexation order, confirmed	599
effective date	599
set out	602-608
bus franchise, power to extend term of	600
<i>City of Peterborough Act, 1908</i> , certain sections repealed	599
commencement of Act	600
Peterborough City Trust, real estate of, vested in City	599

POLICE

ARBITRATION	
award, when to take effect	384
decisions of boards, manner of reaching	384

BARGAINING

agreement, when to take effect	384
expenditure, to be provided for	384, 385
request for, in writing	383, 384

POLICE—*Continued*

BOARDS OF COMMISSIONERS OF POLICE	PAGE
estimates, submission of, to council.....	383
COMMENCEMENT OF ACT.....	386
IMPROVEMENT DISTRICTS	
status defined, for purposes of Act.....	383
INVESTIGATIONS	
cost, payment of.....	386
PROVINCIAL POLICE	
request for services.....	385, 386
expenses.....	385, 386
REGULATIONS	
training courses, police officers.....	386
PORT ARTHUR (CITY)	
by-law 2606, power of council to amend or repeal.....	609
commencement of Act.....	609
grant to Canadian Lakehead Exhibition authorized.....	529
<i>The City of Port Arthur Act, 1945</i> , repealed.....	609
POWER COMMISSION	
EMERGENCIES	
action in, no breach of contract.....	391
penalties.....	391, 392
power, cessation of delivery.....	391
restrictions, modification of.....	391
FREQUENCY STANDARDIZATION	
periodicity in alternations of current, power to change, general.....	388
special.....	388, 389
FREQUENCY STANDARDIZATION RESERVE ACCOUNT	
establishing of.....	387, 388
reserves for.....	387
what amounts may be credited to.....	387, 388
used for.....	388
POWER	
contracts, amended to conform with Act.....	390
approved by Lieutenant-Governor in Council.....	390
profit, net, application of.....	390
how determined.....	390
revenue, application of.....	389
supply of, powers of Commission to contract for.....	389, 390
RIGHTS OF WAY	
power to contract for use of.....	390
RURAL POWER DISTRICTS	
revenue from, use of.....	392
SURPLUS	
from distribution of power, application of.....	393
PROTECTION OF BIRDS	
Act repealed.....	395
PUBLIC HOSPITALS	
amendments to Act.....	155
indigents, burial expenses.....	397
<i>See HOSPITALS AID.</i>	
HOSPITALS TAX.	
PUBLIC LANDS	
Deputy Minister of Forestry.....	399
Deputy Minister of Lands and Forests.....	399
free grants to former members of forces.....	399

PUBLIC SCHOOLS	PAGE
board, provision for transportation of pupils by.....	402
purchase of buses for transportation of pupils by	402
commencement of Act.....	402
debentures, issue for purchase of sites for administrative buildings.....	401
buses	401
lands exempt from taxation, fees payable where pupils reside on.....	402
formation of school section for.....	401
PUBLIC SERVICE	
ALLOWANCES	
computation of, variation of formula.....	404
present employees, fifty or more.....	403, 404
CIVIL SERVANTS	
service credits, commencement of	403
suspension of, by deputy minister.....	403
temporary employees.....	403
COMMENCEMENT OF ACT	
retrospective effect.....	407
GAOLERS AND GAOL EMPLOYEES	
contributions by.....	404
Part II, application of, to.....	404
past services, agreement re.....	405
MAGISTRATES	
past services, option re.....	405
TEACHERS AND INSPECTORS	
rights on transfer to civil service.....	405-407
PUBLIC VEHICLE	
commencement of Act.....	410
municipal license, when not required by holder of permit.....	409, 410
when required by holder of permit.....	410
municipal rates or fares, when compliance not required.....	409, 410
when compliance required.....	410
public vehicle, not to include taxicab.....	409
taxicab, defined.....	409
R	
RACE TRACKS TAX	
commencement of Act.....	411
tax, power to change rate.....	411
REAL ESTATE AND BUSINESS BROKERS	
broker's commission, rate of.....	413
REFORM INSTITUTIONS	
See DEPARTMENT OF REFORM INSTITUTIONS.	
REGISTRY	
list of conveyances to be furnished municipality.....	446
fee for.....	446
REGULATIONS	
commencement of Act, retrospective effect.....	416
exemptions extended.....	415, 416
filings vacated.....	416
RESEARCH COUNCIL	
COMMENCEMENT OF ACT.....	420

RESEARCH COUNCIL—*Continued*

COUNCIL	PAGE
annual report.....	419, 420
audit of accounts.....	420
body corporate.....	417
defined.....	417
executive committee.....	418
finances.....	419
majority vote.....	418
members.....	417
objects.....	417
powers.....	418, 419
president.....	417
vacancy in office.....	418
quorum.....	418
remuneration and expenses of members.....	418
vacancies.....	417
vice-president.....	418
 LIEUTENANT-GOVERNOR IN COUNCIL	
approval re patents.....	419
appointment of auditor.....	420
members of Council.....	417
assignment of administration of Act.....	417
authorizing expenditures for research work.....	419
research programmes.....	419
Council to advise.....	418
naming of president.....	417
 MINISTER	
annual report of auditor to be laid before Assembly by.....	420
to be made to..... Assembly by.....	420
annual report of Council to be laid before Assembly by.....	420
to be submitted to.....	419, 420
defined.....	417
 ONTARIO RESEARCH COMMISSION	
Council may take over activities, etc.....	418
 RIVERSIDE HIGH SCHOOL DISTRICT	
application of <i>Boards of Education Act</i>	612
Board of Education, authorized.....	611
composition of, first board.....	611
permanent board.....	611, 612
where Tecumseh joins.....	612
powers of.....	611
term of office of members.....	611, 612
commencement of Act.....	613
District, established.....	611
Board of Education for, authorized.....	611
Town of Tecumseh may join.....	612
separate school members of Board.....	611, 612
where Tecumseh joins.....	612

S

ST. CATHARINES (CITY)

annexation order P.F. B-6341, assessment of lands annexed.....	615
confirmed as amended.....	615
effective date.....	615
set out.....	617-621
taxation of lands annexed.....	615
P.F. B-3715, amending order set out.....	622
confirmed as amended.....	615
effective date.....	616
commencement of Act.....	616

SANATORIA FOR CONSUMPTIVES	PAGE
indigents, burial expenses	421
SAULT STE. MARIE (CITY)	
commencement of Act	626
deficits, payable by council of City	625
Memorial Community Building Commission,	
borrowing powers	625
employees	625
membership of, elected	624
first election	624
officers	624, 625
powers of council to establish by by-law	623, 624
repeal by-law	626
quorum	624
salaries of members	624
term of office of members	624
vacancies	624
<i>Municipal Act</i> , Parts II-IV, application of	625
profits, disposition of	625
<i>Public Utilities Act</i> , ss. 41-43, application of	625
SCHOOL SITES	
acquisition of land by city in adjoining township	423
commencement of Act	423
SECURITIES	
BONDS	
filing of	432
COMMENCEMENT OF ACT	433
INDUSTRIAL COMPANIES	
primary distribution, filings	428, 429
INVESTMENT COMPANIES	
primary distribution, filings	429
prospectus, accompanying documents	429
INVESTMENT COMPANY	
definition	425
MINING COMPANIES	
primary distribution, filings	428
PROSPECTING SYNDICATES	
securities, trading in	427
REGISTRATION	
application, further information	426
investment counsel, exemption of	426
securities, exemption of	426, 427
trades, exemption of	426
REGULATIONS	
power to make, extended	432
SECURITY	
definition	425, 426
TRADING	
as principal, notice	430, 431
contract, rescission	431, 432
name, use of another	432
representations, prohibitions	430
SECURITY TRANSFER TAX	
annual return, time for making	435
application of Act	435
commencement of Act	435

SERVICE STATIONS

See FACTORY, SHOP AND OFFICE BUILDING ACT.
INDUSTRIAL STANDARDS.

SIMCOE (TOWN)	PAGE
annexation order confirmed.....	627
effective date.....	627
set out.....	628, 629
commencement of Act.....	627

SKI-TOWS

interpretation,—Minister; regulations; ski-tow.....	437
offences and penalties.....	437
regulations, power to make.....	437

SNOW ROADS AND FENCES

commencement of Act.....	439
extension of dates for maintenance and removal authorized.....	439

SOUTH DORCHESTER (TOWNSHIP)

annexation order confirmed.....	631
effective date.....	631
set out.....	633, 634
assessment and taxation of annexed lands.....	631
assets and liabilities, adjustment of.....	632
collection of 1948 taxes.....	632
commencement of Act.....	632

STAMFORD (TOWNSHIP)

bus franchise, agreement set out.....	637-640
by-law 1093 set out.....	637
validated.....	635, 636
commencement of Act.....	636
Department of Highway's powers not affected by franchise.....	636

STATUTE LABOUR

road commissioners, secretary-treasurer, maximum salary increased....	421, 422
who may hold meeting for electing.....	421

STATUTE LAW AMENDMENTS

CORONERS

death due to events beyond jurisdiction.....	443
--	-----

DISTRICT HOMES FOR THE AGED

supervisor defined.....	443
-------------------------	-----

HOMES FOR THE AGED

supervisor defined.....	444
-------------------------	-----

LAKES AND RIVERS IMPROVEMENT

fishways, provision upon request of Minister.....	444
order of Lieutenant-Governor.....	444

LAND TITLES

list of conveyances to be furnished municipality.....	444
fee for.....	444

LEGISLATIVE ASSEMBLY

provision re employment by Dominion during war, repealed.....	444
---	-----

MECHANICS' LIENS

form of notice of trial, amended.....	445
---------------------------------------	-----

NIAGARA PARKS

penalties for breach of regulations, imposition.....	445
recovery of.....	445

NURSES REGISTRATION

Act and amendments repealed.....	445
----------------------------------	-----

STATUTE LAW AMENDMENTS—*Continued*

ONTARIO FOOD TERMINAL	PAGE
canned foods, removed from definition of fruit and produce.....	446
REGISTRY	
list of conveyances to be furnished municipality.....	446
fee for.....	446
UNCLAIMED ARTICLES	
Act not to affect rights under <i>Mechanics' Lien Act</i>	446
UNIVERSITY LANDS	
commencement of section.....	447
former power of Minister of Public Works repealed.....	446
governors of University may expropriate.....	446
application of <i>Public Works Act</i>	446
STRATHROY GENERAL HOSPITAL	
Board, annual report.....	643
composition of.....	641
defined.....	641
incorporated.....	642
powers of, generally.....	642
to accept gifts, etc.....	643
invest moneys.....	643
pass by-laws.....	643
quorum.....	642
to manage Hospital.....	641, 643
vacancies.....	642
cheques, signing of.....	642, 643
commencement of Act.....	643
Council, appointment of members of Board by.....	641
Board to account to.....	643
report to.....	643
defined.....	641
Hospital, defined.....	641
personal property of, vested in Board.....	642
town may borrow for purposes of.....	642
members of Board, appointment of.....	641
first appointments.....	641, 642
re-appointment of.....	642
term of office.....	641, 642
moneys, disposition of.....	642
property, acquisition of.....	642
personal, vested in Board.....	642
SUPPLY	
commencement of Act.....	450
for government purposes, 1948-49.....	449, 450
Schedule A.....	451
SURVEYS	
monuments, subdivision plans.....	453

T

TAX

- See* ATHLETICS CONTROL.
 CORPORATIONS TAX.
 HOSPITALS TAX.
 INCOME TAX SUSPENSION.
 MINING TAX.
 RACE TRACKS TAX.
 SECURITY TRANSFER TAX.

TEACHERS

- See* TEACHERS' AND INSPECTORS' SUPERANNUATION.
 TEACHING PROFESSION.

TEACHERS' AND INSPECTORS' SUPERANNUATION	PAGE
commencement of Act, retrospective effect	455
"employed", definition amended	455
TEACHING PROFESSION	
board of governors, composition	457
term of office	457, 458
vacancies	458
commencement of Act, retrospective effect	459
executive, composition	458
term of office	458
vacancies	458
officers, president	458
secretary-treasurer	458
vice-president	458
THOMPSON, W. G., M.P.P.	
commencement of Act	646
purchase of Crown land, authorized	645, 646
not to vacate seat in Assembly	646
TICKET SPECULATION	
ticket agencies, commissions	461
TIMBER	
See CROWN TIMBER.	
FOREST FIRES PREVENTION.	
FORESTRY.	
TORONTO (CITY)	
AGREEMENT	
between Weston, York Twp. and T.T.C., set out	661-665
validated	650
with Board of Education, set out	654, 655
validated	647
with North Toronto Community Corporation, proviso	648
set out	657-660
validated	648
COMMENCEMENT OF ACT	653
DON VALLEY HIGHWAY	
power to acquire land from St. James' Cemetery for	649
EVICTIONS	
expenditure of money to prevent	649
retroactive effect of by-law	649
right to recover	649-650
FIREMEN'S PERMANENT RELIEF FUND	
dissolution of	649
powers of trustees extended	649
NORTH TORONTO COMMUNITY CORPORATION	
agreement by City with, set out	654, 655
validated	648
estimates, submission to City council	648
expenditures	648
new board, appointment of	648
membership of	648
powers of	648
ST. PATRICK'S SQUARE	
released from trusts as public square	648
lands described	656
SMOKE	
power to pass by-laws to control	650-653

TORONTO (CITY)—*Continued*

STREET CARS	PAGE
application of <i>Municipal Act</i> , s. 520, to by-laws.....	648
by-laws regulating speed of.....	648
approval of Municipal Board required.....	649
SUNNYBROOK PARK	
authority to release Canada from trusts in deed re.....	647
consent to exercise of authority.....	647
SWIMMING POOLS	
agreement between City and Board of Education, set out.....	654, 655
validated.....	647
TROLLEY COACHES	
actions re negligence in operation of.....	650
agreement re between Weston, York and T.T.C., set out.....	661-665
validated.....	650
TOURIST CAMP REGULATION	
rate-cards, posting up.....	463
exemption from Act.....	463
TRAINING SCHOOLS	
commencement of Act.....	466
liability of municipality re increased.....	465
provincial aid to private, increased.....	465
TRUSTEES OF HAMILTON ORPHAN ASYLUM	
<i>See</i> HAMILTON ORPHAN ASYLUM.	

U

UNCLAIMED ARTICLES	
Act not to affect rights under <i>Mechanics' Lien Act</i>	446
UNEMPLOYMENT RELIEF	
Act, who to administer.....	88
UNITED CO-OPERATIVES OF ONTARIO	
Board of Directors, composition of.....	671
provisional.....	671
qualifications of members of.....	671
removal of members of.....	674
term of office of members of.....	674
by-laws, generally.....	673, 674
to bind companies and shareholders.....	674
capital.....	668
commencement of Act.....	675
common shares, certificates.....	669
ownership of.....	668, 669
redemption by company.....	672, 673
limitation on.....	672
transfer of.....	672
company, deemed a co-operative company.....	675
<i>The Companies Act</i> , application of generally, to.....	675
Part XII, to.....	675
delegates, alternate.....	673
by-laws re.....	673
each have one vote.....	673
expenses of.....	673
not to vote by proxy.....	673
powers of shareholders vested in.....	673
districts, division of territory into.....	673
<i>Farmers Co-operative Association of Ontario Act, 1933</i> , repealed.....	675
head office.....	668
incorporation.....	667, 668
objects.....	668
patronage return, re-investment of.....	669

UNITED CO-OPERATIVES OF ONTARIO— <i>Continued</i>	PAGE
preference shares, incidents of	669-671
transfer of	672
surplus, distribution of	674, 675
<i>United Farmers Co-operative Association Act, 1931</i> , repealed	675
voting, by-laws re	674
winding-up, distribution of assets on	675
UNIVERSITY AVENUE EXTENSION	
sale of lands acquired for extension, approval of Lieutenant-Governor in Council not required	467
UNIVERSITY LANDS	
commencement of section	447
former power of Minister of Public Works repealed	446
governors of University may expropriate	446
application of <i>Public Works Act</i>	446
UNSATISFIED JUDGMENT FUND	
<i>See</i> HIGHWAY TRAFFIC.	

V

VITAL STATISTICS

Act	
application	503
commencement	507
no registration of events outside Ontario	503
repeal of former, and amendments	507
ADMINISTRATION	
examination of registrations	479, 480
indexing	479
numbering registrations	479
uniform system of registration	479
ADOPTIONS	
birth certificate after notation of adoption	493
child born in province or state	493
another jurisdiction	493
notations on birth registration	492, 493
to be dated and initialled	493
registration, of Ontario adoption order	492
order of another jurisdiction	492, 493
BIRTHS	
change or addition of given name on registration of	485, 486
contents of statement respecting	481
where mother married	481
definition	477
delayed registration	482, 483
duty to register	481
where child illegitimate	481
failure to register	482
foundlings, examination	484
procedure where child identified	484
registration	483, 484
legitimation by subsequent marriage	484, 485, 506
name of illegitimate child	482
notice	480, 481
on high seas	495
plural	482
registration by division registrar	482
acknowledgment	482
time limit	482

VITAL STATISTICS—*Continued*

CEMETERY	PAGE
defined	477
owner, defined	477
monthly return of burials and cremations	491
not to allow burial without burial permit	491
to retain burial permit	491
where no person in charge	491
CERTIFICATES	
authentication	502
birth, contents of	500
not to affect presumption of legitimacy	502
who may obtain	501
death, contents of	500
who may obtain	501
definition	477
delivery where registration improperly obtained	503
used improperly	503
division registrar not to issue	502
improper use	503
marriage, contents of	501
who may obtain	501
<i>prima facie</i> evidence	502
seal of Registrar-General	501
still-birth, none to be issued	501
unauthorized issue	503
CERTIFIED COPIES OF REGISTRATIONS	
not to affect presumption of legitimacy	502
<i>prima facie</i> evidence	502
who may obtain	501, 502
CHANGES OF NAMES	
annulling order, notations	494
registration	494
certificates after notation of change of name	494
change of given name of child	485, 486
notation on birth and marriage registration	493, 494
to be dated and initialled	494
registration	493
special provisions re previous orders	506, 507
CHURCH RECORDS	
deposit with Registrar-General	495, 496
search	502, 503
CREMATIONS	
definition	477
monthly return of	491
CORONERS	
death in suspicious circumstances	489, 490
medical certificate re death	488
still-births	486
reference to	490
warrant to bury	490
DEATHS	
burial permit, body not to be buried until issue of	490, 491
cemetery owner not to allow burial without	491
to retain	491
in case of death outside Ontario	491
issue by division registrar	489
issue from another registration division	489
prohibition against burial service without	491
classification	480
delayed registrations	492
funeral director, duty to register death	489
to retain acknowledgment of registration	491

VITAL STATISTICS—*Continued*

DEATHS— <i>Continued</i>	PAGE
medical certificate.....	488
on high seas.....	495
place of registration.....	488
registration by division registrar.....	489
acknowledgment.....	489
time limit for.....	489
requiring investigation.....	489, 490
removal of bodies from registration division.....	491
into Ontario.....	491
statement of personal particulars.....	488
without medical attendance.....	490
DEPUTY REGISTRAR-GENERAL	
appointment.....	480
defined.....	477
powers and duties.....	480, 505
DIVISION REGISTRARS	
appointment.....	497
definition.....	477
duties and powers.....	498, 499, 505
municipal clerks to be.....	497
power to take affidavits.....	497
prohibition against registering.....	482, 487, 489
remuneration in municipalities.....	499
unorganized territory.....	499, 500
of Indian-agents.....	499, 500
may be paid monthly.....	500
sub-registrars in cities.....	497
particular section.....	497
duties of.....	498, 505
to enforce Act.....	499
DIVORCES	
certificate after notation of divorce.....	495
definition.....	478
fees payable to registrars of Supreme Court.....	495
marriage performed in another province.....	495
no divorce certificate to be issued.....	495
notation on marriage registration.....	494, 495
to be dated and initialled.....	495
registration, of divorce in another province.....	494, 495
Ontario divorce.....	494
statement respecting.....	494
ERRORS	
correction of, by division registrar.....	496
Registrar-General.....	496
certificate after.....	496
on personal application.....	496
definition.....	478
notation on registration.....	496
FEEES	
regulations prescribing.....	506
FORMS	
cost.....	500
distribution.....	500
prescribed form defined.....	478
regulations prescribing.....	505
special, for Indians.....	506
use of other than prescribed forms prohibited.....	500
FOUNDINGS	
duty of division registrar.....	483
fee of medical practitioner.....	484
registration of birth.....	484

VITAL STATISTICS—*Continued*

FUNERAL DIRECTOR	PAGE
defined.....	478
duty re death.....	489
still-birth.....	486
to retain acknowledgment of registrations of death.....	491
where no person in charge of cemetery.....	491
HOSPITALS	
returns.....	506
ILLEGITIMATE CHILD	
duty to register birth.....	481
legitimation by subsequent marriage.....	484, 485, 506
name.....	482
INCAPABLE	
defined.....	478
INDIANS	
definition.....	478
Indian-agent as division registrars.....	506
defined.....	478
remuneration of.....	499, 500
registrations to be kept separate.....	506
special forms for registration of.....	506
INSPECTORS	
appointment.....	480
definition.....	478
duties.....	480, 505
INTERPRETATION	
birth; cemetery; cemetery owner; certificate; cremation; Deputy Registrar-General; division registrar; divorce; error; funeral director; incapable; Indian; Indian-agent; inspector; notation; municipality; nurse; occupier; prescribed form; Registrar-General; religious body; state; still-birth.....	477-479
LIEUTENANT-GOVERNOR IN COUNCIL	
appointment of Deputy Registrar-General.....	480
division registrars.....	493
inspectors.....	480
regulations by.....	505, 506
LOCAL MEDICAL OFFICER OF HEALTH	
examination of foundling.....	483
medical certificate of death.....	488
reference to, deaths without medical attendance.....	488
MARRIAGES	
delayed registration.....	487
person solemnizing to complete statement.....	487
deliver statement.....	487
registration by division registrar.....	487
acknowledgment of receipt.....	487
time limit.....	487
to be registered.....	487
MEDICAL PRACTITIONER	
certificate re death.....	488
still-birth.....	486
fee for examination of foundling.....	484
notice of birth.....	480
MUNICIPALITY	
defined.....	478
payment of division registrars.....	499, 500
to be registration division.....	497

VITAL STATISTICS—*Continued*

NOTATIONS	PAGE
definition	478
who may sign	506
NURSE	
defined	478
notice of birth	481
OCCUPIER	
defined	478
OFFENCES AND PENALTIES	
division registrar, neglect to furnish returns, etc.	504
false information	504
general penalty	505
notice, failure to give	504
particulars, failure to furnish	504
recovery of penalties	505
secrecy	505
REGISTRAR-GENERAL	
delayed registrations	482, 483, 487, 490
defined	479
duties, annual report	480
classification of deaths	488
examining registrations	479, 490
forms	500
indexing registrations	470
instructions to division registrars	489
numbering registrations	470
publications	489
uniform system of registration	472
REGISTRAR OF SUPREME COURT	
changes of names prior to commencement of Act	506, 507
divorces, certified copy of decree	495
duties as to	494, 495
fees	495
REGISTRATION DIVISIONS	
municipality to be	497
Ontario to be divided into	497
unorganized territory	497
REGISTRATIONS	
<i>See also</i> BIRTHS, STILL-BIRTHS, MARRIAGES, DIVORCES, ADOPTIONS, DEATHS, CHANGES OF NAMES.	
certified copies	501, 502
delayed	482, 483, 487, 492, 506
errors	496, 497
examination	479, 480
improper or fraudulent	503
indexing and numbering	479, 505
only of Ontario events	503
searches	502, 503
uniform system	479, 505
REGULATIONS	
power to make	505, 506
RELIGIOUS BODY	
defined	479
deposit of records	495, 496
SEARCHES	
church records	502, 503
information to be given on	503
registrations	502

VITAL STATISTICS—*Continued*

SECRECY	PAGE
penalty.....	505
persons who may have access to records.....	505
prohibition against communication of information.....	504
STATE	
defined.....	479
STILL-BIRTHS	
application of sections 5-9, 11, 16-23 to.....	487
definition.....	479
duty to deliver statement to funeral director.....	486
medical certificate.....	486
registration by division registrar.....	487
acknowledgment of.....	487
burial permit.....	486, 487

VOCATIONAL EDUCATION

BOARD	
defined.....	469
COMMENCEMENT OF ACT.....	475
COUNTY PUPILS	
definition amended.....	469.
RESIDENT PUPILS	
re-defined.....	470
TECHNICAL AND POLYTECHNICAL INSTITUTES	
admission requirements prescribed by regulations.....	474
alternative.....	474, 475
appointment of governing bodies by Minister.....	473
conduct and maintenance of polytechnical institutes.....	473
technical institutes.....	473
cost.....	473
courses of study, etc.....	472
distinction between technical and polytechnical.....	472
establishment.....	472
agreements respecting.....	472
names.....	472
designation by Minister.....	473
regulations.....	473, 474
terms.....	475
text books.....	475
VOCATIONAL SCHOOL	
admission of adults.....	471
pupils.....	470, 471
cost of education of pupils from other districts.....	472
courses of study.....	470
establishment and maintenance.....	470
fees, exception.....	471, 472
exemption.....	471
transfer.....	471

W

WELFARE

See DEPARTMENT OF PUBLIC WELFARE.
WELFARE UNITS.

WELFARE UNITS	PAGE
administrator.....	509
cost.....	510
disestablishment.....	510
establishment, district.....	509
municipal.....	509
regulations, power to make.....	510

WESLEY GARDINER THOMPSON, M.P.P.

See THOMPSON, W. G., M.P.P.

WORKMEN'S COMPENSATION

	PAGE
accident, notice of.....	511
accident fund, defined.....	511
commencement of Act, prospective effect, section 3.....	513

TABLE OF PUBLIC STATUTES

NOTE.—*Titles shown in italics are unconsolidated and unrepealed Acts which have been amended since the Revision of 1937.*

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
A		
Abitibi Moratorium Constitutional Question Act.....	...	1942, c. 2.
Abitibi Power & Paper Company Limited Moratorium Act.....	...	1941, c. 1; 1942, c. 3; 1943, c. 28, ss. 1, 2; 1944, c. 1.
Absconding Debtors Act.....	127	
Absentee Act.....	120	
Academy of Medicine, Toronto, Act....	...	1946, c. 1.
Accidental Fires Act.....	161	
Accountants (<i>See</i> Certified Public Accountants Act; Chartered Accountants Act).		
Accumulations Act.....	153	
Active Service Election Act.....	...	1942, c. 4; 1945, c. 1, sup.
Active Service Financial Protection Act.	...	1944, c. 2; 1946, c. 89, s. 1.
Active Service Life Insurance Protection Act.....	...	1944, c. 3.
Active Service Moratorium Act.....	...	1943, c. 1; 1944, c. 4.
Administration of Justice Expenses Act.	141	1938, c. 1; 1940, c. 28, s. 1; 1941, c. 2; 1942, c. 34, s. 1; 1946, c. 89, s. 2; 1947, c. 1.
Adolescent School Attendance Act.....	368	1944, c. 56, s. 1; 1945, 2nd Sess., c. 8, s. 1.
Adoption Act.....	218	1941, c. 55, s. 1; 1948, c. 1.
Agents (<i>See</i> Factors Act).		
Agricultural Associations Act.....	80	1941, c. 55, s. 2; 1946, c. 89, s. 3; 1948, c. 2.
Agricultural College Act.....	374	1946, c. 89, s. 4.
Agricultural Committees Act.....	...	1944, c. 5; 1946, c. 89, s. 5.
Agricultural Development Act.....	78	
Agricultural Development Finance Act..	77	1948, c. 3.
Agricultural Representatives Act.....	83	1941, c. 3.
Agricultural Societies Act.....	81	1939, c. 1, sup.; 1943, c. 28, s. 3.
Alberta Coal Sales Act.....	306	
Algoma Central and Hudson Bay Railway Company Act.....	...	1941, c. 4.
Aliens' Real Property Act.....	151	
An Act for granting to His Majesty certain sums of money for the Public Service.....	...	1938, c. 39; 1939, c. 48; 1940, c. 30; 1941, c. 57; 1942, c. 37; 1943, c. 31; 1944, c. 61; 1945, 2nd Sess., c. 11; 1946, c. 92; 1947, c. 104; 1948, c. 88.
An Act to provide for the Consolidation of the Statutes of Ontario.....	...	1937, c. 6; 1937, 2nd Sess., c. 3; 1938, c. 32.
Anatomy Act.....	226	1942, c. 34, s. 2; 1946, c. 89, s. 6.
Andrew Mercer Reformatory Act.....	383	
Appeals (<i>See</i> Privy Council Appeals Act).		
Apportionment Act.....	220	
Apprenticeship Act.....	192	1939, c. 2; 1943, c. 28, s. 4; 1944, c. 6; 1946, c. 2; 1947, c. 101, s. 1; 1948, c. 4.
Arbitration Act.....	109	1941, c. 55, s. 3.
(<i>See also</i> Damage by Fumes Arbitration Act; Municipal Arbitrations Act.)		
Architects Act.....	233	1938, c. 47 (<i>Private Act</i>); 1946, c. 89, s. 7.
Archives Act.....	90	
Art (<i>See</i> College of Art Act).		
Artificial Insemination Act.....	...	1947, c. 2.

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Assembly (<i>See</i> Legislative Assembly Act).		
Assessment Act.....	272	1938, c. 37, s. 2; 1939, c. 3; 1940, c. 1; 1941, c. 5; 1942, c. 34, s. 3; 1943, c. 2; 1944, c. 7; 1946, c. 3; 1947, c. 3; 1948, c. 5.
Assignment of Book Debts Act.....	183	1939, c. 47, s. 1.
Assignments and Preferences Act.....	179	
Assurances of Estates Tail (<i>See</i> Estates Tail Act).		
Athletic Commission Act.....	298	1939, c. 4, sup.; 1947, c. 4, s. 15, rep
Athletics Control Act.....	...	1947, c. 4; 1948, c. 6.
Auctioneers (<i>See</i> Provincial Auctioneers' License Act).		
Audit Act.....	24	1947, c. 5.
Auxiliary Classes Act.....	358	1947, c. 6.
B		
Bailiffs Act.....	...	1941, c. 6.
Barristers Act.....	222	1944, c. 58, s. 1; 1946, c. 4.
Beach Protection Act.....	333	1940, c. 28, s. 2; 1941, c. 7; 1946, c. 5, sup.; 1947, c. 101, s. 2.
Beaches and River Beds Act.....	334	
Bed of Navigable Waters Act.....	44	1940, c. 28, s. 3.
Bees Act.....	348	1941, c. 8; 1942, c. 5; 1945, c. 2; 1946, c. 89, s. 8; 1948, c. 7.
Bills of Sale and Chattel Mortgage Act.	181	1939, c. 47, s. 2.
Birds (<i>See</i> Game and Fisheries Act).		
Blind Workmen's Compensation Act....	205	
Blue Water Bridge Act.....	...	1940, c. 2.
Boards of Education Act.....	361	1938, c. 35, s. 2; 1939, c. 44, s. 1; 1943, c. 26, ss. 1, 2; 1944, c. 56, s. 2; 1946, c. 6; 1948, c. 8.
Boilers (<i>See</i> Steam Boiler Act).		
Bonus Limitation Act.....	267	
Book Debts (<i>See</i> Assignment of Book Debts Act).		
Bread Sales Act.....	305	1947, c. 7.
Bridges Act.....	...	1938, c. 2.
British Child Guests Act.....	...	1941, c. 9.
Broker-Dealers Act.....	...	1947, c. 8.
Building Trades Protection Act.....	195	
Bulk Sales Act.....	184	
Burial of War Veterans Act.....	352	1938, c. 3.
Burlington Beach Act.....	95	1940, c. 28, s. 4; 1941, c. 55, s. 4; 1947, c. 9.
Business Records Protection Act.....	...	1947, c. 10.
Butter (<i>See</i> Dairy Products Act).		
C		
Cancer Remedy Act.....	...	1938, c. 4; 1940, c. 28, s. 5.
Cattle (<i>See</i> Protection of Cattle Act).		
Cemetery Act.....	351	1938, c. 37, s. 4; 1939, c. 5; 1940, c. 28, s. 6; 1941, c. 10; 1943, c. 28, ss. 5, 6; 1946, c. 89, s. 9.
Certified Public Accountants Act.....	236	
Change of Name Act.....	...	1939, c. 6; 1940, c. 3; 1948, c. 9, sup.
Charitable Institutions Act.....	381	1946, c. 7; 1947, c. 11.
Charities Accounting Act.....	167	1941, c. 55, s. 5.
Chartered Accountants Act.....	235	
Chartered Shorthand Reporters Act.....	234	
Chattel Mortgages (<i>See</i> Bills of Sale and Chattel Mortgage Act).		
Cheese (<i>See</i> Consolidated Cheese Fac- tories Act; Dairy Products Act; Cheese and Hog Subsidy Act).		
Cheese and Hog Subsidy Act.....	...	1941, c. 11; 1942, c. 6; 1943, c. 3; 1944, c. 8; 1945, 2nd Sess., c. 1; 1946, c. 8; 1947, c. 12; 1948, c. 10.
Children of Unmarried Parents Act.....	217	1944, c. 9.

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Children's Maintenance Act.....	213	
Children's Protection Act.....	312	1942, c. 34, s. 4; 1944, c. 10; 1945, c. 3; 1947, c. 13.
(<i>See also</i> Adoption Act; Day Nurseries Act; Dependants' Relief Act; Deserted Wives' and Children's Maintenance Act; Infants Act; Juvenile and Family Courts Act; Legitimation Act; Maternity Boarding Houses Act; Mothers' Allowances Act; Minors' Protection Act).		
Chiropody Act.....	...	1944, c. 11.
Circus (<i>See</i> Travelling Shows Act).		
Civil Service (<i>See</i> Public Service Act).		
Clean Grain Act.....	345	
Coal (<i>See</i> Alberta Coal Sales Act).		
Collection Agencies Act.....	249	1939, c. 7, sup.; 1941, c. 12; 1946, c. 9; 1947, c. 14, sup.
Collective Bargaining Act.....	...	1943, c. 4; 1944, c. 29, s. 9 (1), rep.
College of Art Act.....	377	
Colonization Roads Act.....	35	1947, c. 101, s. 3, rep.
Commercial Vehicle Act.....	290	1945, c. 4; 1947, c. 101, s. 4.
Commissioners for taking Affidavits Act..	121	1938, c. 37, s. 5; 1939, 2nd Sess., c. 11, s. 1; 1940, c. 28, s. 7; 1941, c. 55, s. 6; 1944, c. 12; 1947, c. 101, s. 5; 1948, c. 11.
Commorientes Act.....	...	1940, c. 4.
Community Halls Act.....	284	1948, c. 12.
Companies Act.....	251	1939, c. 47, s. 3; 1940, c. 5; 1941, c. 13; 1942, c. 34, s. 5; 1943, c. 28, ss. 7, 8; 1945, 2nd Sess., c. 2; 1946, c. 10; 1947, c. 15; 1948, c. 13.
Companies Information Act.....	253	1940, c. 28, s. 8; 1947, c. 16; 1948, c. 14.
(<i>See also</i> Guarantee Companies Securi- ties Act)		
Compensation (<i>See</i> Blind Workmen's Compensation Act; Industrial and Mining Lands Compensation Act; Workmen's Compensation Act; Work- men's Compensation Insurance Act).		
Conditional Sales Act.....	182	1938, c. 5; 1939, c. 47, s. 4; 1941, c. 14; 1948, c. 15.
Conservation Authorities Act.....	...	1946, c. 11; 1947, c. 101, s. 6.
Consolidated Cheese Factories Act.....	87	
Consolidated Revenue Fund Act.....	21	1939, c. 47, s. 5.
Constables Act.....	140	1938, c. 6; 1939, c. 8; 1939, 2nd Sess., c. 11, s. 2; 1944, c. 58, s. 2; 1946, c. 72, s. 44, rep.
(<i>See</i> Police Act).		
Constitutional Questions Act.....	130	
Continuation Schools Act.....	359	1938, c. 35, ss. 3-8; 1939, c. 44, ss. 2-6; 1940, c. 24, s. 1; 1941, c. 52, ss. 1-4; 1943, c. 26, s. 3; 1945, 2nd Sess., c. 8, ss. 2, 3; 1946, c. 12; 1947, c. 17; 1948, c. 16.
Controverted Elections Act.....	11	1938, c. 37, s. 6; 1941, c. 55, s. 7; 1946, c. 89, s. 10.
Conveyancing and Law of Property Act	152	
Co-operative Credit Societies Act....	258	1939, c. 12; 1940, c. 7, sup.
(<i>See</i> Credit Unions Act).		
Co-operative Marketing Loan Act.....	85	1940, c. 28, s. 9; 1946, c. 13.
Coroners Act.....	138	1939, c. 9; 1940, c. 28, s. 10; 1942, c. 34, s. 6; 1946, c. 14; 1947, c. 18; 1948, c. 17, sup. and c. 87, s. 1.
Corporation Securities Registration Act.	264	
Corporations and Income Taxes Sus- pension Act.....	...	1942, c. 1.
Corporations Tax Act.....	29	1938, c. 37, s. 7; 1939, c. 10, sup. part; 1939, 2nd Sess., c. 2; 1940, c. 6; 1941, c. 15; 1947, c. 19; 1948, c. 18.
<i>Corporations Tax Act, 1922, c. 14, s. 5...</i>	...	1946, c. 89, s. 11, rep.
Costs of Distress Act.....	122	1941, c. 16.

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Counties Reforestation Act (See Municipal Reforestation Act).	323	1939, c. 11; 1945, c. 14.
County Court Judges' Criminal Courts Act.....	105	
County Courts Act.....	103	1941, c. 55, s. 8; 1942, c. 34, s. 7; 1947, c. 20; 1948, c. 19.
County Judges Act.....	102	1941, c. 17; 1943, c. 28, ss. 9, 10; 1946, c. 89, s. 12; 1947, c. 21; 1948, c. 20.
County Publicity Act.....	84	
Cream (See Dairy Products Act; Milk and Cream Act).		
Credit Unions Act.....	258	1939, c. 12; 1940, c. 7, sup.; 1942, c. 7; 1944, c. 13; 1947, c. 22.
Creditors Relief Act.....	126	
Crown Administration of Estates Act..	116	
Crown Attorneys Act.....	137	1942, c. 34, s. 8; 1947, c. 23.
Crown Timber Act.....	36	1939, c. 13; 1944, c. 14; 1945, c. 5; 1946, c. 89, s. 13; 1947, c. 24; 1948, c. 21.
Crown Witnesses Act.....	142	1942, c. 34, s. 9; 1943, c. 28, s. 11.
Cullers Act.....	240	1943, c. 28, ss. 12-14; 1946, c. 15; 1947, c. 25.
Custody of Documents Act.....	173	1944, c. 58, s. 3.
D		
Dairy Products Act.....	304	1938, c. 7, sup.; 1940, c. 8.
Damage by Fumes Arbitration Act.....	51	1938, c. 8; 1946, c. 16.
Day Nurseries Act.....	...	1946, c. 17; 1947, c. 26.
Debt Collectors Act.....	309	
Debtors (See Absconding Debtors Act; Fraudulent Debtors Arrest Act).		
Definition of Time Act.....	176	
Dental Technicians Act.....	...	1946, c. 18.
Dentistry Act.....	227	1942, c. 8; 1947, cc. 27, 28.
Department of Agriculture Act.....	73	
Department of Education Act.....	356	1941, c. 52, s. 5; 1942, c. 34, s. 10; 1943, c. 26, ss. 4, 5; 1945, 2nd Sess., c. 8, ss. 4-7; 1946, c. 19; 1947, c. 29; 1948, c. 22.
Department of Labour Act.....	69	1938, c. 9; 1946, c. 89, s. 14.
Department of Municipal Affairs Act....	59	1938, c. 10; 1939, c. 47, s. 6; 1940, c. 28, s. 21; 1941, c. 18; 1942, c. 9; 1943, c. 28, s. 15; 1944, c. 15; 1946, c. 20.
Department of Planning and Develop- ment Act.....	...	1944, c. 16.
Department of Public Welfare Act.....	61	1942, c. 10; 1946, c. 21; 1948, c. 23, sup.
Department of Reform Institutions Act..	...	1946, c. 22; 1948, c. 24.
Department of Travel and Publicity Act	...	1946, c. 23.
Dependants' Relief Act.....	214	1942, c. 34, s. 11; 1947, c. 30; 1948, c. 25.
Deserted Wives' and Children's Main- tenance Act.....	211	1942, c. 11; 1948, c. 26.
<i>Deserted Wives' and Children's Mainte- nance Act, 1934, c. 10, s. 3</i>.....	...	<i>1946, c. 89, s. 15, rep.</i>
Devolution of Estates Act.....	163	1940, c. 28, s. 11; 1941, c. 19; 1947, c. 101, s. 7.
<i>Dionne Quintuplet Guardianship Act, 1935, c. 19 (1937, c. 19)</i>.....	...	<i>1941, c. 55, s. 9; 1944, c. 17, sup.</i>
District Court Houses Act.....	389	
District Homes for the Aged Act.....	...	1947, c. 31; 1948, c. 87, s. 2.
District Houses of Refuge Act.....	386	1946, c. 24; 1947, c. 31, s. 15, rep.
Ditches and Watercourses Act.....	350	
Division Courts Act.....	107	1939, c. 47, s. 7; 1941, c. 20; 1942, c. 34, s. 12.
Dog Tax and Live Stock Protection Act (See also Vicious Dogs Act).	335	1942, c. 12; 1945, c. 6; 1947, c. 32.
Dominion Commissioners of Police Act	139	
Dominion Courts Act.....	99	
Dower Act.....	112	1941, c. 55, s. 10.

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Drainage (<i>See</i> Ditches and Watercourses Act; Interprovincial Drainage Act; Municipal Drainage Act; Municipal Drainage Aid Act; Provincial Aid to Drainage Act; Tile Drainage Act).		
Drugless Practitioners Act.....	229	
E		
Education (<i>See</i> Boards of Education Act; Department of Education Act; Schools).		
Egress from Public Buildings Act.....	318	
Election Act.....	8	1939, c. 47, s. 8; 1939, 2nd Sess., c. 11, s. 3; 1942, c. 13.
(<i>See also</i> Active Service Election Act; Controverted Elections Act; Municipal Act; Personation Act; Voters' Lists Act).		
<i>Election Act, 1930, c. 3 (1936, c. 19).....</i>	...	1946, c. 89, s. 16, <i>rep.</i>
Electric Railways (<i>See</i> Municipal Electric Railway Act; Railway Act).		
Embalmers and Funeral Directors Act...	242	1946, c. 89, s. 17; 1947, c. 33, <i>sup.</i>
Employment Agencies Act.....	248	
Engineers (<i>See</i> Operating Engineers Act; Professional Engineers Act).		
Entry of Horses at Exhibitions Act....	308	
Escheats Act.....	148	1942, c. 14, <i>sup.</i>
Estates Tail Act.....	156	
(<i>See also</i> Crown Administration of Estates Act).		
Estreats Act.....	143	1941, c. 55, s. 11.
Evidence Act.....	119	1942, c. 15; 1945, c. 7; 1946, c. 25.
Execution Act.....	125	1939, c. 47, s. 9; 1942, c. 16.
Execution of Trusts Act.....	...	1939, 2nd Sess., c. 3; 1940, c. 28, s. 12.
Executive Council Act.....	14	1944, c. 18; 1946, c. 26.
Extra Judicial Services Act.....	101	
Extramural Employment of Persons under Sentence Act.....	398	
Extra Provincial Corporations Act....	252	1940, c. 28, s. 13; 1946, c. 89, s. 18; 1947, c. 34.
F		
Factors Act.....	185	1947, c. 101, s. 8.
Factory, Shop and Office Building Act..	194	1939, c. 47, s. 10; 1942, c. 17; 1944, c. 19; 1946, c. 27; 1947, c. 102, s. 1; 1948, c. 27.
Farm Loans Act.....	79	1946, c. 89, s. 19.
Farm Loans Adjustment Act.....	...	1943, c. 5.
Farm Products Containers Act.....	...	1947, c. 35; 1948, c. 28.
Farm Products Control Act.....	75	1938, c. 11; 1939, c. 14 and c. 47, s. 11; 1946, c. 29, s. 11, <i>rep.</i>
Farm Products Grades and Sales Act...	307	1939, c. 15; 1943, c. 28, s. 16; 1946, c. 28; 1947, c. 36; 1948, c. 29.
Farm Products Marketing Act.....	...	1946, c. 29.
Fatal Accidents Act.....	210	1943, c. 6; 1946, c. 30.
Federal District Commission Act.....	276	
Female Patients and Prisoners Protection Act.....	317	
Female Refugees Act.....	384	1939, c. 47, s. 12; 1942, c. 34, s. 13; 1948, c. 30.
Fences (<i>See</i> Line Fences Act; Snow Roads and Fences Act).		
Ferries Act.....	175	
Fines and Forfeitures Act.....	144	
Fire Accidents Act.....	330	
Fire Departments Act.....	282	1944, c. 20; 1945, c. 8; 1946, c. 31; 1947, c. 37, <i>sup.</i> ; 1948, c. 31.
Fire Guardians Act.....	327	
Fire Marshals Act.....	329	1938, c. 12; 1941, c. 55, s. 12; 1942, c. 34, s. 14; 1944, c. 21; 1947, c. 102, s. 2.

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Firemen's Exemption Act.....	281	
Fires Extinguishment Act.....	328	
(<i>See also</i> Accidental Fires Act; Forest Fires Prevention Act; Hotel Fire Safety Act; Railway Fire Charge Act).		
Floral Emblem Act.....	92	
Forest Fires Prevention Act.....	325	1946, c. 32; 1947, c. 101, s. 9; 1948, c. 32, sup.
Forest Management Act.....	...	1947, c. 38.
Forest Resources Regulation Act.....	40	
Forestry Act.....	39	1944, c. 58, s. 4; 1946, c. 89, s. 20; 1948, c. 33.
(<i>See also</i> Private Forest Reserves Act; Provincial Forests Act).		
Fowl (<i>See</i> Transportation of Fowl Act).		
Fraud (<i>See</i> Real Estate and Business Brokers Act; Securities Act; Statute of Frauds).		
Fraudulent Conveyances Act.....	149	
Fraudulent Debtors Arrest Act.....	128	
Fruit Packing Act.....	86	
Fuel Supply Act.....	53	1947, c. 39; 1948, c. 34.
G		
Game and Fisheries Act.....	353	1938, c. 13; 1939, c. 16; 1942, c. 18; 1944, c. 22; 1946, c. 33, sup.; 1947, c. 40; 1948, c. 35.
Gaming Act.....	297	
Gaming and Betting Act.....	...	1942, c. 19.
Gaols Act.....	388	
Gas (<i>See</i> Gas and Oil Leases Act; Natural Gas Conservation Act; Natural Gas Conservation Suspension Act; Well Drillers Act).		
Gas and Oil Leases Act.....	...	1943, c. 7.
Gasoline Handling Act.....	332	1938, c. 14; 1943, c. 8; 1946, c. 34.
Gasoline Tax Act.....	32	1939, c. 17; 1943, c. 9; 1946, c. 35; 1947, c. 41.
General Sessions Act.....	104	1941, c. 21; 1942, c. 34, s. 15; 1948, c. 36.
Ginseng Act.....	347	
Gold Clauses Act.....	177	
Government Contracts Hours and Wages Act.....	199	
Grain (<i>See</i> Clean Grain Act; Damage by Fumes Arbitration Act).		
Grand River Conservation Act.....	...	1938, c. 15.
Guarantee Companies Securities Act....	263	1946, c. 89, s. 21.
Guelph Railway Act.....	...	1939, c. 18; 1946, c. 89, s. 22.
H		
Habeas Corpus Act.....	129	1941, c. 55, s. 13.
Haliburton Act.....	4	1938, c. 35, s. 9; 1946, c. 72, s. 44, <i>part</i> .
Hamilton Street Railway Act.....	...	1946, c. 36.
Harbours (<i>See</i> Wharfs and Harbours Act).		
Health (<i>See</i> Ontario Cancer Treatment and Research Foundation Act; Public Health Act; Vaccination Act; Ven- ereal Diseases Prevention Act).		
High Schools Act.....	360	1938, c. 35, ss. 10-27; 1939, c. 44, ss. 7-15; 1940, c. 24, s. 2; 1941, c. 52, ss. 6-11; 1942, c. 34, s. 16; 1943, c. 26, ss. 6-9; 1944, c. 56, ss. 3-6; 1945, 2nd Sess., c. 8, ss. 8-17; 1946, c. 37; 1947, cc. 42, 43; 1948, c. 37.
Highway Improvement Act.....	56	1939, c. 19; 1940, c. 28, s. 14; 1942, c. 20; 1943, c. 28, s. 17; 1944, c. 23; 1945, c. 9; 1946, c. 38; 1947, c. 44; 1948, c. 38.
(<i>See also</i> Colonization Roads Act; Holland Marsh Roads Act; Public Service Works on Highways Act; Snow Roads and Fences Act; Statute Labour Act; Tree Planting Act).		

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Highway Traffic Act.....	288	1938, c. 17; 1939, c. 20; 1940, c. 9; 1941, c. 22; 1942, c. 21 and c. 36, aff.; 1943, c. 10; 1946, c. 39; 1947, c. 45; 1948, c. 39.
Hogs (<i>See</i> Cheese and Hog Subsidy Act).		
Holland Marsh Roads Act.....	...	1944, c. 24.
Homes for the Aged Act.....	...	1947, c. 46; 1948, c. 87, s. 3.
Horses (<i>See</i> Entry of Horses at Exhibi- tions Act; Stallion Act).		
Horticultural Societies Act.....	82	1938, c. 16, sup.
Hospitals (<i>See</i> Charitable Institutions Act; Hospitals Aid Act; Hospitals Tax Act; Mental Hospitals Act; Private Hospitals Act; Private Sani- taria Act; Psychiatric Hospitals Act; Public Hospitals Act; Sanatoria for Consumptives Act; Toronto General Hospital Act; Victoria Hospital, Lon- don, Act).		
Hospitals Aid Act.....	...	1948, c. 40.
Hospitals Tax Act.....	...	1948, c. 41.
Hotel Fire Accidents Prevention Act....	320	1941, c. 55, s. 14; 1948, c. 42, s. 28, rep.
Hotel Fire Safety Act.....	...	1948, c. 42.
Hotel Registration of Guests Act.....	...	1944, c. 25; 1948, c. 43.
Hours of Work and Vacations with Pay Act.....	...	1944, c. 26; 1946, c. 40; 1947, c. 47.
Houses of Refuge Act.....	385	1939, c. 47, s. 13; 1947, c. 46, s. 20, rep.
Housing Development Act.....	...	1948, c. 44.
Hydro-Electric (<i>See</i> Ottawa River Water Powers Act; Power Commission Act; Power Contracts Validation Act; Rural Hydro-Electric Distribution Act; Rural Power District Service Charge Act; Steep Rock Iron Ore Development Act; Water Powers Regulation Act).		
Hydro-Electric Negligence Act.....	68	
I		
Income Tax Act.....	25	1939, 2nd Sess., c. 4; 1940, c. 10; 1941, c. 23; 1947, c. 48, aff.
Income Tax Suspension Act.....	...	1947, c. 48; 1948, c. 45.
Industrial and Mining Lands Compensa- tion Act.....	162	
Industrial Disputes Investigation Act....	203	1948, c. 51, s. 12, rep.
Industrial Farms Act.....	387	1946, c. 41; 1948, c. 46.
Industrial Refuges (<i>See</i> Female Refuges Act).		
Industrial Schools Act.....	363	1939, c. 51, s. 28, rep.
(<i>See</i> Training Schools Act).		
Industrial Sites Act.....	268	
Industrial Standards Act.....	191	1938, c. 27, s. 9; 1939, c. 21; 1946, c. 89, s. 23; 1947, c. 49; 1948, c. 47.
Infants Act.....	215	1947, c. 50.
Injured Animals Act.....	338	
Innkeepers Act.....	241	
Insane (<i>See</i> Mental Hospitals Act; Mental Incompetency Act; Psychiatric Hos- pitals Act).		
Insurance Act.....	256	1938, c. 37, s. 10; 1939, c. 22; 1940, c. 11; 1942, c. 22; 1943, c. 28, ss. 18-20; 1944, c. 58, ss. 5-7; 1945, 2nd Sess., c. 3; 1946, c. 42 and c. 89, s. 24; 1947, c. 51; 1948, c. 48.
(<i>See also</i> Marine Insurance Act; Power Commission Insurance Act; Work- men's Compensation Insurance Act).		
Insurance (<i>Temporary Provisions</i>) Act, 1932, c. 26 (1933, c. 23; 1934, c. 23)...	...	1946, c. 89, s. 25, rep.
Interpretation Act.....	1	1941, c. 55, s. 15; 1942, c. 34, s. 17; 1947, c. 101, s. 10.
Interprovincial Drainage Act.....	58	

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Investigation of Titles Act.....	171	
Investment Contracts Act.....	...	1948, c. 49.
Iron Ore Bounty Act.....	48	
J		
Judges' Orders Enforcement Act.....	123	
Judicature Act.....	100	1937, 2nd Sess., c. 2; 1938, c. 18; 1939, c. 23; 1941, c. 24; 1942, c. 34, s. 18; 1943, c. 11; 1944, c. 27; 1945, c. 10; 1946, c. 43; 1947, c. 101, s. 11; 1948, c. 50.
Jurors Act.....	108	1939, c. 47, s. 14; 1940, c. 12; 1941, c. 25; 1942, c. 23; 1944, c. 58, s. 8; 1947, c. 52.
Justices of the Peace Act.....	132	1939, c. 47, s. 15; 1941, c. 55, s. 16; 1944, c. 28.
Juvenile and Family Courts Act.....	316	1947, c. 53.
K		
King's Printer Act.....	89	1947, c. 102, s. 3.
L		
Labour Relations Act.....	...	1948, c. 51.
Labour Relations Board Act.....	...	1944, c. 29; 1946, c. 44; 1947, c. 54, aff.; 1948, c. 51, s. 11 (1), rep.
Labour (<i>See</i> Apprenticeship Act; Collec- tive Bargaining Act; Department of Labour Act; Employment Agencies Act; Government Contracts Hours and Wages Act; Hours of Work and Vacations with Pay Act; Industrial Standards Act; Judicature Act; Labour Relations Act; Minimum Wage Act; One Day's Rest in Seven Act; Rights of Labour Act; Wood- men's Employment Act).		
Lakes and Rivers Improvement Act.....	45	1946, c. 89, s. 26; 1948, c. 87, s. 4.
Land Surveyors Act.....	231	1938, c. 37, s. 12; 1943, c. 28, s. 21; 1946, c. 45.
Land Titles Act.....	174	1940, c. 28, s. 15; 1941, c. 55, s. 17; 1947, c. 101, s. 12 and c. 102, s. 4; 1948, c. 87, s. 5.
Land Transfer Tax Act.....	31	
(<i>See also</i> Industrial Sites Act; Investiga- tion of Titles Act; Northern Develop- ment Act; Provincial Land Tax Act; Public Lands Act; Registry Act; Tax Sales Confirmation Act).		
Landlord and Tenant Act.....	219	
Law Society Act.....	221	1939, c. 24; 1940, c. 13; 1944, c. 30.
Law Stamps Act.....	27	
Leases (<i>See</i> Gas and Oil Leases Act; Short Forms of Leases Act).		
Legislative Assembly Act.....	12	1939, c. 47, s. 16; 1939, 2nd Sess., c. 11, s. 4; 1941, c. 26; 1944, c. 31; 1947, c. 55; 1948, c. 87, s. 6.
Legislative Assembly Extension Act....	...	1942, c. 24; 1943, c. 12.
Legitimation Act.....	216	1944, c. 32.
Libel and Slander Act.....	113	
Libraries (<i>See</i> Public Libraries Act).		
Lieutenant-Governor's Act.....	13	
Lightning Rod Act.....	331	1943, c. 28, s. 22; 1948, c. 52, s. 15, rep.
Lightning Rods Act.....	...	1948, c. 52.
Limitations Act.....	118	1939, c. 25.
Limited Partnership Act.....	188	1943, c. 28, s. 23.
Line Fences Act.....	349	
Liquor Authority Control Act.....	...	1944, c. 33; 1945, c. 11; 1946, c. 47, s. 85, rep.
Liquor Control Act.....	294	1938, c. 37, s. 13; 1939, c. 26; 1940, c. 28, s. 16; 1942, c. 25; 1944, c. 34; 1946, c. 46; 1947, cc. 56, 57.

Subject Matter	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
<i>Liquor Control Amendment Act, 1929,</i> <i>c. 69, s. 5</i>.....	...	1946, c. 89, s. 27, rep.
Liquor Licence Act.....	...	1946, c. 47; 1947, cc. 58, 59.
Live Stock Branding Act.....	341	1947, c. 60.
(<i>See also Dog Tax and Live Stock Pro-</i> <i>tection Act; Vicious Dogs Act</i>).		
Loan and Trust Corporations Act.....	257	1939, c. 47, s. 17; 1944, c. 58, ss. 9, 10; 1945, 2nd Sess., c. 4; 1946, c. 48.
Loans (<i>See Agricultural Development</i> <i>Act; Agricultural Development</i> <i>Finance Act; Co-operative Marketing</i> <i>Loan Act; Farm Loans Act; Farm</i> <i>Loans Adjustment Act; Loan and</i> <i>Trust Corporations Act; Ontario Loan</i> <i>Act; Provincial Loans Act; Rural</i> <i>Power District Loans Act; Uncon-</i> <i>scionable Transactions Relief Act</i> .)		
Local Improvement Act.....	269	1940, c. 28, s. 17; 1941, c. 27; 1942, c. 34, s. 19; 1946, c. 49; 1947, c. 61.
Local Government Extension Act.....	...	1940, c. 14.
Long Point Park Act.....	96	1943, c. 28, ss. 24, 25; 1946, c. 50.
M		
Magistrates Act.....	133	1938, c. 19; 1939, c. 47, s. 18; 1941, c. 28; 1944, c. 58, s. 13, aff.
Magistrates' Jurisdiction Act.....	134	
Maintenance Orders (Facilities for En- forcement) Act.....	...	1948, c. 53.
Marine Insurance Act.....	...	1946, c. 51.
Marketing Act.....	74	1938, c. 11, s. 6, rep.
(<i>See also Co-operative Marketing Loan</i> <i>Act</i>).		
Marriage Act.....	207	1941, c. 55, s. 18; 1947, c. 62.
Married Women's Property Act.....	209	
Master and Servant Act.....	197	1942, c. 34, s. 20.
Maternity Boarding Houses Act.....	311	1940, c. 28, s. 18.
Matrimonial Causes Act.....	208	1941, c. 55, s. 19.
Mechanics' Lien Act.....	200	1939, c. 47, s. 19; 1942, c. 34, s. 21; 1947, c. 102, s. 5; 1948, c. 87, s. 7.
Medical Act.....	225	1942, c. 26; 1944, c. 35; 1946, c. 52; 1947, c. 63.
Mental Hospitals Act.....	392	1938, c. 20; 1939, c. 47, s. 20; 1940, c. 28, s. 19; 1941, c. 29; 1943, c. 13; 1945, c. 12; 1946, c. 89, s. 28; 1948, c. 54.
Mental Incompetency Act.....	110	1941, c. 55, s. 20; 1946, c. 53.
Mercantile Law Amendment Act.....	178	1947, c. 101, s. 13.
Milk, Cheese and Butter Act.....	303	1938, c. 7, s. 13, rep.
Milk and Cream Act.....	302	1941, c. 30.
Milk Control Act.....	76	1940, c. 28, s. 20; 1941, c. 31; 1944, c. 36; 1946, c. 89, s. 29; 1947, c. 64; 1948, c. 55, sup.
(<i>See also Public Health Act as to</i> <i>Pasteurization of Milk</i>).		
Mills Licensing Act.....	37	1947, c. 65.
Minimum Wage Act.....	190	1946, c. 54; 1947, c. 101, s. 14.
Mining Act.....	47	1938, c. 37, s. 14; 1939, c. 27; 1939, 2nd Sess., c. 5; 1940, c. 15; 1941, c. 32; 1942, c. 34, s. 22; 1943, c. 14; 1944, c. 37; 1945, c. 13; 1946, c. 55; 1947, c. 66; 1948, c. 56.
Mining Schools Act.....	376	
Mining Tax Act.....	28	1939, c. 47, s. 21; 1940, c. 16; 1941, c. 33; 1943, c. 28, s. 26; 1945, 2nd Sess., c. 5; 1946, c. 56; 1947, cc. 67, 68; 1948, c. 57.
(<i>See also Industrial and Mining Lands</i> <i>Compensation Act</i>).		
<i>Minority Shareholders Rights Act, R.S.O.</i> <i>1927, c. 229</i>.....	...	1946, c. 89, s. 30, rep.
Minors' Protection Act.....	296	1946, c. 57.
Money-Lenders Act.....	243	1946, c. 58.
(<i>See Unconscionable Transactions Relief</i> <i>Act</i>).		

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Mortgages Act.....	155	1939, c. 28; 1942, c. 27; 1943, c. 28, s. 27.
(See also Bills of Sale and Chattel Mortgage Act; Short Forms of Mort- gages Act).		
Mortgage Tax Act.....	172	1942, c. 34, s. 23, rep.; 1946, c. 89, s. 39 (1), aff.
<i>Mortgagors' and Purchasers' Relief Act,</i> <i>1933, c. 35</i> .....	...	<i>1938, c. 21; 1939, c. 29; 1940, c. 17; 1941, c. 34;</i> <i>1942, c. 28; 1943, c. 15; 1944, c. 38; 1945,</i> <i>2nd Sess., c. 6.</i>
Mortmain and Charitable Uses Act.....	147	
Motor Vehicles (See Commercial Vehicle Act; Highway Traffic Act; Public Vehicle Act).		
Mothers' Allowances.....	313	1938, c. 37, s. 15; 1946, c. 59; 1948, c. 58, sup.
Moving Pictures (See Theatres and Cine- matographs Act).		
Municipal Act.....	266	1938, cc. 22, 23; 1939, c. 30; 1939, 2nd Sess., c. 6; 1940, c. 18; 1941, c. 35; 1943, c. 16; 1944, c. 39; 1946, c. 60 and c. 72, s. 44, <i>part</i> ; 1947, c. 69; 1948, c. 59.
Municipal Affairs (See Department of Municipal Affairs Act).		
Municipal Arbitrations Act.....	280	1941, c. 55, s. 21.
Municipal Board (See Ontario Municipal Board Act).		
Municipal Drainage Act.....	278	1938, c. 24; 1941, c. 55, s. 22; 1944, c. 40; 1946, c. 61.
Municipal Drainage Aid Act.....	71	1939, c. 47, s. 22; 1943, c. 17.
Municipal Elections (See Municipal Act; Voters' Lists Act).		
Municipal Electric Railway Act.....	260	
Municipal Employees Pensions Fund Act	275	1946, c. 89, s. 31, rep.
Municipal Franchises Act.....	277	1947, c. 70.
Municipal Health Services Act.....	...	1944, c. 41.
<i>Municipal Housing Act, 1920, c. 84</i>....	...	<i>1938, c. 37, s. 16.</i>
Municipal Hydro Radial Relief Act....	...	1941, c. 36.
Municipal Reforestation Act.....	323	1939, c. 11; 1945, c. 14; 1946, c. 62.
Municipal Subsidy Act.....	273	1939, c. 31.
Museum (See Royal Ontario Museum Act).		
N		
Natural Gas Conservation Act.....	49	1941, c. 37; 1942, c. 34, s. 24; 1948, c. 60.
Natural Gas Conservation Suspension Act.....	...	1943, c. 18.
Negligence Act.....	115	1939, c. 47, s. 23; 1948, c. 61.
(See also Hydro-Electric Negligence Act).		
Niagara Parks Act.....	93	1948, c. 87, s. 8.
Northern Development Act.....	34	1939, c. 47, s. 24; 1941, c. 38; 1946, c. 89, s. 32 1948, c. 62.
Notaries Act.....	224	1948, c. 63.
Nursery Stock Act.....	43	
Nurses Act.....	...	1947, c. 71.
Nurses' Registration Act.....	230	1938, c. 25; 1944, c. 42; 1948, c. 87, s. 9, rep.
O		
Official Notices Publication Act.....	20	
Oil Wells (See Well Drillers Act).		
Old Age Pensions Act.....	314	1939, c. 47, s. 25; 1944, c. 43; 1948, c. 64.
One Day's Rest in Seven Act.....	193	1942, c. 34, s. 25.
Ontario Cancer Treatment and Research Foundation Act.....	...	1943, c. 19.
Ontario Food Terminal Act.....	...	1946, c. 63; 1948, c. 87, s. 10.

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
<i>Ontario Housing Act, 1919, c. 54 (1919, c. 25, s. 42; 1920, c. 83; 1935, c. 66, s. 12; 1936, c. 43).....</i>	...	1938, c. 37, s. 17; 1946, c. 64.
Ontario Loan Act.....	...	1938, c. 26; 1939, c. 32; 1940, c. 19; 1941, c. 39; 1942, c. 29; 1943, c. 20; 1944, c. 44; 1945, 2nd Sess., c. 7; 1946, c. 65; 1947, c. 72; 1948, c. 65.
Ontario Municipal Board Act.....	60	1938, c. 37, s. 18; 1939, c. 47, s. 26; 1940, c. 20; 1941, c. 40; 1946, c. 66; 1947, c. 73.
Ontario Northland Transportation Com- mission Act.....	55	1941, c. 61; 1946, c. 67; 1947, c. 74; 1948, c. 66.
Operating Engineers Act.....	238	
Optometry Act.....	246	1939, c. 33; 1944, c. 45; 1946, c. 68.
Organization of Resources Act.....	...	1939, 2nd Sess., c. 7; 1943, c. 27, s. 10, rep.
Ottawa Light, Heat and Power Company, Limited Purchase Act.....	...	1948, c. 67.
Ottawa River Water Powers Act.....	...	1943, c. 21.
P		
Paper Mills (<i>See Mills Licensing Act</i>).		
Parents' Maintenance Act.....	212	
Parks (<i>See Burlington Beach Act; Long Point Park Act; Niagara Parks Act; Presqu'ile Park Act; Provincial Parks Act; Public Parks Act</i>).		
Parole Act.....	397	1946, c. 69, sup.
Partition Act.....	157	
Partnership Act.....	187	
Partnership Registration Act.....	189	1941, c. 41; 1942, c. 34, s. 26; 1947, c. 101, s. 15 and c. 102, s. 6.
(<i>See also Limited Partnership Act</i>).		
Pasteurization of Milk (<i>See Public Health Act</i>).		
Patricia Act.....	5	1946, c. 89, s. 33.
Pawnbrokers Act.....	244	
Personation Act.....	9	
Petty Trespass Act.....	154	
Pharmacy Act.....	228	1939, c. 34; 1946, c. 70.
Planning Act.....	...	1946, c. 71; 1947, c. 75.
Planning and Development Act.....	270	1939, c. 47, s. 27; 1941, c. 55, s. 24; 1946, c. 71, s. 29, rep.
Plant Diseases Act.....	346	1941, c. 42; 1942, c. 30; 1947, c. 76.
Police Act.....	...	1946, c. 72; 1947, c. 77 and c. 102, s. 7; 1948, c. 68.
Police Magistrates (<i>See Magistrates Act</i>).		
Political Contributions Act.....	10	1945, c. 15, rep.
Pool Rooms (<i>See Minors' Protection Act</i>).		
Pounds Act.....	337	
Power Commission Act.....	62	1938, c. 37, s. 19; 1939, c. 35; 1942, c. 34, s. 27; 1943, c. 22; 1944, c. 46; 1946, c. 73; 1947, cc. 78, 79; 1948, c. 69.
<i>Power Commission Declaratory Act, 1937, c. 58.....</i>	...	1946, c. 89, s. 34, rep.
Power Commission Insurance Act.....	67	1941, c. 43; 1943, c. 23.
Power Contracts Validation Act.....	...	1938, c. 27.
Power Control Act.....	...	1939, 2nd Sess., c. 8.
Powers of Attorney Act.....	150	
Presqu'ile Park Act.....	97	1946, c. 74.
Private Detectives Act.....	245	
Private Forest Reserves Act.....	324	
Private Hospitals Act.....	391	1938, c. 28; 1940, c. 28, s. 22; 1941, c. 44.
Private Sanitaria Act.....	394	1938, c. 29.
Privy Council Appeals Act.....	98	
Probation Act.....	399	
Professional Engineers Act.....	237	1946, c. 75; 1947, c. 80.
Property and Civil Rights Act.....	145	

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Prospecting Syndicate Agreements Act...	...	1945, c. 16; 1947, c. 98, s. 80, rep.
Protection of Birds Act.....	354	1948, c. 70, rep.
Protection of Cattle Act.....	340	
Protection of Public Works.....	...	1939, 2nd Sess., c. 10.
Provincial Aid to Drainage Act.....	70	
Provincial Auctioneers' License Act....	250	
Provincial Forests Act.....	38	1943, c. 28, ss. 28, 29; 1946, c. 89, s. 35; 1947, c. 81.
Provincial Land Tax Act.....	30	1940, c. 21; 1941, c. 55, s. 25; 1943, c. 28, s. 30; 1944, c. 47.
Provincial Loans Act.....	22	1946, c. 89, s. 36.
Provincial Parks Act.....	94	1946, c. 76.
Psychiatric Hospitals Act.....	393	1939, c. 36.
Public Authorities Protection Act.....	135	
Public Buildings (<i>See</i> Egress from Public Buildings Act).		
Public Halls Act.....	...	1946, c. 77.
Public Health Act.....	299	1938, c. 30; 1939, c. 37; 1940, c. 22; 1941, c. 45; 1942, c. 31; 1943, c. 24; 1944, c. 48; 1945, c. 17; 1946, c. 78; 1947, c. 82.
Public Hospitals Act.....	390	1938, c. 37, s. 20; 1939, c. 38; 1940, c. 23; 1941, c. 55, s. 26; 1942, c. 34, s. 28; 1943, c. 25; 1945, c. 18; 1947, c. 83; 1948, c. 40, s. 5 and c. 71.
Public Inquiries Act.....	19	
Public Institutions Inspection Act.....	380	1942, c. 34, s. 29.
Public Lands Act.....	33	1942, c. 34, s. 30; 1943, c. 28, ss. 31, 32; 1944, c. 49; 1946, c. 79; 1947, cc. 84, 85; 1948, c. 72.
Public Libraries Act.....	283	1940, c. 24, s. 3; 1944, c. 56, ss. 7, 8; 1946, c. 80; 1947, c. 86.
Public Meetings and Processions Act...	...	1939, 2nd Sess., c. 9.
Public Officers Act.....	16	1939, c. 47, s. 28; 1947, c. 102, s. 8.
Public Officers' Fees Act.....	18	1939, c. 47, s. 29; 1942, c. 34, s. 31; 1946, c. 81.
Public and Other Works Wages Act....	198	
Public Parks Act.....	285	1947, c. 87.
Public Revenue Act.....	23	
Public Schools Act.....	357	1938, c. 35, ss. 28-34; 1939, c. 44, s. 16; 1940, c. 24, ss. 4, 5; 1941, c. 52, ss. 12-18; 1943, c. 26, ss. 10-13; 1944, c. 56, ss. 9-15; 1945, 2nd Sess., c. 8, ss. 18-24; 1946, c. 82; 1947, c. 88; 1948, c. 73.
Public Service Act.....	15	1938, c. 37, s. 21; 1941, c. 46; 1943, c. 28, s. 33; 1946, c. 83; 1947, c. 89, sup.; 1948, c. 74.
Public Service Works on Highways Act.	57	
Public Trustee Act.....	166	1941, c. 55, s. 27; 1942, c. 34, s. 32; 1945, c. 19.
Public Utilities Act.....	286	1944, c. 50; 1946, c. 84; 1947, cc. 90, 91.
Public Utilities Corporations Act.....	262	
Public Vehicle Act.....	289	1941, c. 55, s. 28; 1943, c. 28, ss. 34, 35; 1945, c. 20; 1948, c. 75.
Public Welfare (<i>See</i> Department of Public Welfare Act).		
Public Works Act.....	54	1939, c. 47, s. 30; 1945, c. 21.
Pulp and Pulpwood (<i>See</i> Crown Timber Act; Forest Resources Regulation Act; Mills Licensing Act; Pulpwood Conservation Act; Settlers' Pulpwood Protection Act; Trees Conservation Act).		
Pulpwood Conservation Act.....	41	1938, c. 37, s. 22.
Q		
Quieting Titles Act.....	169	1941, c. 55, s. 29; 1947, c. 101, s. 16.
R		
Race Tracks Tax Act.....	...	1939, c. 39 (sup. Corporations Tax Act in part); 1947, c. 92; 1948, c. 76.

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Racial Discrimination Act.....	...	1944, c. 51.
Railway Act.....	259	1941, c. 47.
Railway Fire Charge Act.....	326	1941, c. 55, s. 30; 1942, c. 34, s. 33.
Rainbow Bridge Act.....	...	1941, c. 48.
Real Estate Brokers Act.....	247	1941, c. 49; 1946, c. 85, s. 60, rep.
Real Estate and Business Brokers Act..	...	1946, c. 85; 1947, cc. 93, 94; 1948, c. 77.
Reciprocal Enforcement of Judgments Act.....	124	1941, c. 55, s. 31; 1946, c. 89, s. 37.
Reforestation (<i>See</i> Municipal Reforesta- tion Act).	...	...
Reformatory Act.....	382	...
Registration (<i>See</i> Hotel Registration of Guests Act; Land Titles Act; Nurses Act; Partnership Registration Act; Registry Act; Vital Statistics Act).	...	...
Registry Act.....	170	1938, c. 31; 1939, c. 40; 1940, c. 28, s. 23; 1941, c. 50; 1942, c. 34, s. 34; 1946, c. 89, s. 38 and s. 39 (2), aff.; 1947, c. 95 and c. 101, s. 17; 1948, c. 87, s. 11.
Regulations Act.....	...	1944, c. 52; 1947, c. 102, s. 9; 1948, c. 78.
Rehabilitation (<i>See</i> Social Security and Rehabilitation Act; Department of Planning and Development Act; Veterans Housing Act).	...	...
Religious Institutions Act.....	379	...
Replevin Act.....	111	...
Representation Act.....	6	...
Research Council Act.....	...	1948, c. 79.
Research Foundation Act.....	91	1939, c. 47, s. 31; 1944, c. 53, sup.
Revenue (<i>See</i> An Act for granting to His Majesty certain sums of money for the Public Service; Consolidated Revenue Fund Act; Ontario Loan Act; Public Revenue Act).	...	...
Revised Statutes Act.....	...	1938, c. 32.
Rights of Labour Act.....	...	1944, c. 54.
Rivers (<i>See</i> Beach Protection Act; Beaches and River Beds Act; Bed of Navigable Waters Act; Lakes and Rivers Improvement Act).	...	...
Royal Ontario Museum Act.....	378	1947, c. 96, sup.
Rural Hydro-Electric Distribution Act..	64	1939, c. 41.
Rural Power District Loans Act.....	65	...
Rural Power District Service Charge Act.	66	1938, c. 33; 1944, c. 55.
S		
St. Joseph's Island Act.....	...	1942, c. 32.
Sale of Goods Act.....	180	...
(<i>See also</i> Bread Sales Act; Bulk Sales Act; Conditional Sales Act; Farm Products Grades and Sales Act; Tax Sales Confirmation Act).	...	...
Sanatoria for Consumptives Act.....	395	1938, c. 34; 1939, c. 42; 1940, c. 28, s. 24; 1941, c. 51; 1943, c. 28, s. 36; 1947, c. 97, sup.; 1948, c. 80.
Sandwich, Windsor and Amherstburg Railway Act.....	...	1939, c. 43.
Sawlogs (<i>See</i> Cullers Act).	...	...
Saw Mills (<i>See</i> Mills Licensing Act).	...	...
School Attendance Act.....	367	1939, c. 44, s. 17; 1943, c. 26, s. 14; 1944, c. 56, ss. 16, 17; 1945, 2nd Sess., c. 8, s. 25.
School Law Amendment Act.....	...	1938, c. 35; 1939, c. 44; 1940, c. 24; 1941, c. 52; 1943, c. 26; 1944, c. 56; 1945, 2nd Sess., c. 8.
School Sites Act.....	370	1940, c. 24, s. 7; 1948, c. 81.
School Trust Conveyances Act.....	371	...

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Schools for the Deaf and Blind Act..... (<i>See also</i> Adolescent School Attendance Act; Continuation Schools Act; High Schools Act; Industrial Schools Act; Public Schools Act; Separate Schools Act; Trade-schools Regulation Act; Training Schools Act; Vocational Education Act).	365	
Securities Act.....	265	1940, c. 25; 1941, c. 53; 1942, c. 33; 1943, c. 28, s. 37; 1945, c. 22, sup.; 1946, c. 86; 1947, c. 98, sup.; 1948, c. 82.
Security Transfer Tax Act.....	...	1939, c. 45 (sup. Corporations Tax Act in part); 1948, c. 83.
Seduction Act.....	114	
Seed Grain Subsidy Act.....	279	
Separate Schools Act.....	362	1938, c. 35, s. 35; 1940, c. 24, s. 6; 1943, c. 26, s. 15; 1944, c. 56, s. 19; 1945, 2nd Sess., c. 8, ss. 26-28; 1946, c. 87.
Settled Estates Act.....	117	
Settlers' Pulpwood Protection Act.....	42	
Sheep (<i>See</i> Dog Tax and Live Stock Pro- tection Act).		
Sheriffs Act.....	17	1938, c. 36; 1941, c. 54; 1942, c. 34, s. 35.
Short Forms of Conveyances Act.....	158	
Short Forms of Leases Act.....	159	
Short Forms of Mortgages Act.....	160	
Shorthand Reporters (<i>See</i> Chartered Shorthand Reporters Act).		
Shows (<i>See</i> Theatres and Cinematographs Act; Travelling Shows Act).		
Ski-tows Act.....	...	1948, c. 84.
Slot Machine Act.....	...	1944, c. 57.
Snow Roads and Fences Act.....	291	1941, c. 55, s. 32; 1948, c. 85.
Social Security and Rehabilitation Act..	...	1943, c. 27.
Soldiers' Aid Commission Act.....	315	1941, c. 55, s. 33.
Solicitors Act.....	223	1940, c. 26; 1941, c. 55, s. 34.
Southern Algoma Railway Company Act.	...	1939, c. 46; 1941, c. 55, s. 35.
Spruce Pulpwood Exportation Act.....	...	1940, c. 27.
Stallion Act.....	339	1947, c. 99.
Standard Hotel Registration of Guests Act.....	295	1944, c. 25, sup.
Statute of Frauds.....	146	1946, c. 89, s. 40.
Statute Labour Act.....	274	1938, c. 37, s. 23; 1941, c. 55, s. 36; 1945, c. 23; 1946, c. 88; 1947, c. 100; 1948, c. 86.
Statute Law Amendment Act.....	...	1938, c. 37; 1939, c. 47; 1939, 2nd Sess., c. 11; 1940, c. 28; 1941, c. 55; 1942, c. 34; 1943, c. 28; 1944, c. 58; 1946, c. 89; 1947, cc. 101, 102; 1948, c. 87.
Statutes Act.....	2	1945, 2nd Sess., c. 9.
Steam Boiler Act.....	343	1938, c. 38; 1946, c. 89, s. 41.
Steam Threshing Engines Act.....	342	
Steep Rock Iron Ore Development Act..	...	1942, c. 35; 1943, c. 29.
Stock Yards Act.....	...	1944, c. 59; 1946, c. 89, s. 42.
Suburban Area Development Act..... (<i>See also</i> Planning Act).	271	
Succession Duty Act.....	26	1937, 2nd Sess., cc. 1, 3; 1938, c. 37, s. 24; 1939, 2nd Sess., c. 1, sup.; 1940, c. 29; 1941, c. 55, s. 37; 1942, c. 34, s. 36; 1946, c. 90.
Sugar Beet Subsidy Act.....	...	1943, c. 30; 1944, c. 60; 1945, 2nd Sess., c. 10; 1946, c. 91; 1947, c. 103.
Sulphur Fumes (<i>See</i> Damage by Fumes Arbitration Act).		
Summary Convictions Act.....	136	1941, c. 56; 1942, c. 36.
Superannuation (<i>See</i> Public Service Act; Teachers' and Inspectors' Superan- nation Act).		
Supply Act.....	...	1948, c. 88.

Subject Matter.	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Surrogate Courts Act.....	106	1938, c. 40; 1940, c. 28, s. 25; 1941, c. 58; 1942, c. 34, s. 37; 1943, c. 28, s. 38; 1944, c. 58, ss. 11, 12; 1946, c. 93; 1947, c. 105.
Surveyors (<i>See</i> Land Surveyors Act). Surveys Act.....	232	1940, c. 28, s. 26; 1941, c. 59; 1944, c. 62; 1945, c. 24; 1946, c. 94; 1947, c. 106; 1948, c. 89.
T		
Taxation (<i>See</i> Assessment Act; Corpora- tions Tax Act; Gasoline Tax Act; Hospitals Tax Act; Income Tax Act; Land Transfer Tax Act; Mining Tax Act; Mortgage Tax Act; Provincial Land Tax Act; Railway Fire Charge Act; Succession Duty Act; Tax Sales Confirmation Act).		
Tax Sales Confirmation Act.....	...	1938, c. 41; 1939, c. 49; 1940, c. 31; 1941, c. 60; 1943, c. 32; 1944, c. 63; 1945, c. 25; 1946, c. 95.
Teachers' Boards of Reference Act.....	...	1938, c. 42; 1943, c. 26, ss. 20-24; 1946, c. 97, sup.
Teachers' and Inspectors' Superannuation Act.....	366	1938, c. 35, s. 36; 1940, c. 32; 1941, c. 52, ss. 19, 20; 1942, c. 34, s. 38; 1943, c. 26, ss. 16-19; 1944, c. 56, ss. 20, 21; 1945, 2nd Sess., c. 8, ss. 29-32; 1946, c. 96, sup.; 1948, c. 90.
Teaching Profession Act.....	...	1944, c. 64; 1947, c. 107; 1948, c. 91.
Telegraph Companies Act.....	254	
Telephone Act.....	261	
Temiskaming and Northern Ontario Railway Act. (<i>See</i> Ontario North- land Transportation Commission Act).		
Territorial Division Act.....	3	1945, c. 26; 1946, c. 98.
Thames River Control Act.....	...	1943, c. 33.
Theatres and Cinematographs Act.....	319	1941, c. 55, s. 38.
Threshing Machines Act.....	321	
Ticket Speculation Act.....	310	1948, c. 92.
Tile Drainage Act.....	72	1939, c. 50; 1943, c. 34.
Timber (<i>See</i> Crown Timber Act; Cullers Act; Forest Resources Regulation Act; Forestry Act; Provincial Forests Act; Pulpwood Conservation Act).		
Toronto General Hospital Act.....	396	1946, c. 99.
Tourist Camp Regulation Act.....	...	1946, c. 100; 1947, c. 108; 1948, c. 93.
Town Sites Act.....	46	1947, c. 109.
Township of Methuen Survey Act.....	...	1946, c. 101.
Trade-schools Regulation Act.....	...	1938, c. 43; 1940, c. 33
Training Schools Act.....	364	1939, c. 51, sup.; 1941, c. 55, s. 40; 1947, c. 110; 1948, c. 94.
Transfer of Property (<i>See</i> Conveyancing and Law of Property Act; Investiga- tion of Titles Act; Land Titles Act; Registry Act; Short Forms of Con- veyances Act).		
Transportation of Fowl Act.....	336	1944, c. 65.
Travelling Shows Act.....	293	
Tree Planting Act.....	292	
Trees Conservation Act.....	...	1946, c. 102; 1947, c. 101, s. 18.
Trust Corporations (<i>See</i> Loan and Trust Corporations Act).		
Trustee Act.....	165	1938, c. 44; 1941, c. 55, s. 41; 1943, c. 28, s. 39; 1944, c. 66; 1945, c. 27; 1946, c. 89, s. 43; 1947, c. 101, s. 19.

Subject Matter	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
U		
Unclaimed Articles Act.....	...	1947, c. 111; 1948, c. 87, s. 12.
Unconscionable Transactions Relief Act	243	1946, c. 58.
Undertakers (<i>See</i> Embalmers and Funeral Directors Act).		
Unemployment Insurance Act.....	...	1939, c. 52.
<i>Unemployment Relief Act, 1935, c. 71</i> (1936, c. 62).....	...	1938, c. 37, s. 25; 1939, c. 47, s. 32; 1940, c. 28, s. 27.
University Act.....	372	1940, c. 28, s. 30, aff.; 1942, c. 34, s. 39, aff.; 1946, c. 89, s. 44; 1947, c. 112, s. 127, rep.
<i>University Avenue Extension Act, 1928,</i> <i>c. 17 (1929, c. 23, s. 19).....</i>	...	1948, c. 95.
<i>University Lands Act, 1928, c. 55 (1929,</i> <i>c. 85).....</i>	...	1946, c. 89, s. 45, aff.; 1948, c. 87, s. 13, aff.
University of Toronto Act.....	...	1947, c. 112.
University of Toronto School of Nurs- ing Grant Act.....	...	1945, 2nd Sess., c. 12.
Unwrought Metal Sales Act.....	52	1940, c. 34.
Upper Canada College Act.....	373	
V		
Vacant Land Cultivation Act.....	287	1939, 2nd Sess., c. 12.
Vaccination Act.....	300	
Vehicles (<i>See</i> Highway Traffic Act; Commercial Vehicle Act; Public Vehicle Act).		
Vendors and Purchasers Act.....	168	
Venereal Diseases Prevention Act.....	301	1938, c. 37, s. 26; 1939, c. 53; 1940, c. 28, s. 28; 1941, c. 62; 1942, c. 38, sup.; 1943, c. 35; 1946, c. 103.
Veterans (<i>See</i> Burial of War Veterans Act; Veterans Housing Act).		
Veterans Housing Act.....	...	1945, 2nd Sess., c. 13; 1946, c. 104.
Veterinary College Act.....	375	1947, c. 101, s. 20.
Veterinary Science Practice Act.....	239	1943, c. 36.
Vexatious Proceedings Act.....	131	
Vicious Dogs Act.....	322	
Victoria Hospital, London, Act.....	...	1946, c. 105.
Vital Statistics Act.....	88	1939, c. 47, s. 33; 1941, c. 55, s. 42; 1942, c. 34, s. 40; 1943, c. 28, s. 40; 1948, c. 97, sup.
Vocational Education Act.....	369	1938, c. 35, ss. 37, 38; 1939, c. 44, s. 18; 1944, c. 56, ss. 22, 23; 1945, 2nd Sess., c. 8, ss. 33-35; 1946, c. 106; 1947, c. 113; 1948, c. 96.
Voters' Lists Act.....	7	1938, c. 37, s. 27; 1940, c. 28, s. 29; 1941, c. 55, s. 43; 1942, c. 39; 1946, c. 89, s. 46.
W		
Wages Act.....	196	
War Veterans (<i>See</i> Burial of War Vet- erans Act; Veterans Housing Act.)		
Warble-fly Control Act.....	...	1947, c. 114.
Warehouse Receipts Act.....	...	1946, c. 107.
Warehousemen's Lien Act.....	186	1946, c. 89, s. 47.
Wartime Housing Act.....	...	1944, c. 67; 1946, c. 108.
Water Powers Regulation Act.....	63	
Weed Control Act.....	344	1940, c. 35; 1944, c. 68; 1946, c. 109.
Welfare Units Act.....	...	1948, c. 98.
Well Drillers Act.....	50	1947, c. 115.
Wharfs and Harbours Act.....	255	
White Canes Act.....	...	1947, c. 116.
Wills Act.....	164	1939, 2nd Sess., c. 11, s. 5; 1942, c. 40.
<i>Windsor, City of (Amalgamation) Act,</i> <i>1935, c. 74 (1936, c. 66).....</i>	...	1938, c. 37, s. 28; 1947, c. 117.

Subject Matter	R.S.O. 1937 Chap.	Amendments in 1937 (2nd Sess.); 1938; 1939; 1939 (2nd Sess.); 1940; 1941; 1942; 1943; 1944; 1945; 1945 (2nd Sess.); 1946; 1947 and 1948.
Windsor, City of (Funding and Refund- ing Plan), Act.....	...	1938, c. 45.
<i>Windsor, Essex and Lake Shore Railway Act, 1933, c. 111</i>.....	...	1939, c. 47, s. 34.
Windsor Utilities Commission Act.....	...	1938, c. 46.
Wolf Bounty Act.....	355	1941, c. 63; 1946, c. 110, s. 21, rep.
Wolf and Bear Bounty Act.....	...	1946, c. 110; 1947, c. 118.
Woodmen's Employment Act.....	202	1946, c. 89, s. 48.
Woodmen's Lien for Wages Act.....	201	1941, c. 55, s. 45.
Workmen's Compensation Act.....	204	1938, c. 37, s. 29; 1939, c. 54; 1942, c. 41; 1943, c. 37; 1944, c. 69; 1945, c. 28; 1946, c. 111; 1947, c. 119; 1948, c. 99.
Workmen's Compensation Insurance Act	206	

TABLE OF PUBLIC STATUTES

Setting out those that have been and are to
be brought into force by Proclamation

A

ACTS OR PARTS THEREOF PROCLAIMED AND THE DATES UPON WHICH THEY BECAME EFFECTIVE

- ABITIBI POWER & PAPER COMPANY LIMITED MORATORIUM ACT. 1941, c. 1. 11th October, 1941.
- ATHLETICS CONTROL ACT. 1947, c. 4. 20th May, 1947.
- BRIDGES ACT. 1938, c. 2. 11th April, 1938.
- BROKER-DEALERS ACT. 1947, c. 8. 19th February, 1948.
- CONSERVATION AUTHORITIES ACT. 1946, c. 11. 13th April, 1946.
- COUNTY JUDGES ACT. 1943, c. 28, s. 10. 1st July, 1943.
- DENTAL TECHNICIANS ACT. 1946, c. 18. 1st February, 1947.
- DEPARTMENT OF REFORM INSTITUTIONS ACT. 1946, c. 22. 1st April, 1946.
- DEPARTMENT OF TRAVEL AND PUBLICITY ACT. 1946, c. 23. 1st April, 1946.
- DIVISION COURTS AMENDMENT ACT. 1941, c. 20, s. 3. 2nd September, 1941.
- EMBALMERS AND FUNERAL DIRECTORS ACT. 1947, c. 33. 30th June, 1947.
- GAMING AND BETTING ACT. 1942, c. 19. 27th April, 1942.
- GRAND RIVER CONSERVATION ACT. 1938, c. 15. 25th June, 1938.
- HAMILTON STREET RAILWAY ACT. 1946, c. 36, s. 7. 7th November, 1946.
- HIGHWAY IMPROVEMENT ACT. 1939, c. 19, s. 6. 3rd July, 1939.
- HIGHWAY TRAFFIC AMENDMENT ACT. 1947, c. 45, s. 16. 1st July, 1947.
- HOSPITALS AID ACT. 1948, c. 40. 1st April, 1948.
- HOSPITALS TAX ACT. 1948, c. 41. 19th May, 1948.
- INSURANCE AMENDMENT ACT. 1939, c. 22, s. 1. 1st March, 1941. 1942, c. 22, s. 6. 1st June, 1942. 1946, c. 42, ss. 8, 9. 2nd July, 1946. 1948, c. 48. 30th June, 1948.
- JUDICATURE AMENDMENT ACT. 1939, c. 23, s. 3. 1st June, 1939. 1944, c. 27. 12th April, 1944. 1946, c. 43. 23rd July, 1946.
- LABOUR RELATIONS BOARD ACT. 1944, c. 29. 12th April, 1944.
- LIQUOR CONTROL AMENDMENT ACT. 1944, c. 34, except subsection 4 of section 1 and section 26. 24th October, 1944. 1946, c. 46. 1st January, 1947.
- LIQUOR LICENCE ACT. 1946, c. 47. 1st January, 1947.
- MINING AMENDMENT ACT. 1939, c. 27, s. 24. 1st August, 1939.
- MUNICIPAL AMENDMENT ACT. 1939, c. 30, s. 33. 3rd July, 1939.
- ONTARIO FOOD TERMINAL ACT. 1946, c. 63. 1st May, 1946.
- ONTARIO HAIRDRESSERS' AND BARBERS' ASSOCIATION REPEAL ACT. 1937, c. 53. 1st March, 1946.
- ONTARIO NORTHLAND TRANSPORTATION COMMISSION AMENDMENT ACT. 1946, c. 67. 9th April, 1946.
- POLICE ACT. 1946, c. 72. 1st February, 1947.
- POLITICAL CONTRIBUTIONS REPEAL ACT. 1945, c. 15. 9th April, 1945.
- PUBLIC HEALTH AMENDMENT ACT. 1938, c. 30, s. 8. 1st October, 1938. 1946, c. 78. 1st October, 1946.
- PUBLIC SERVICE ACT. 1947, c. 89. 1st March, 1948.
- RESEARCH FOUNDATION ACT. 1944, c. 53. 5th May, 1944.
- REVISED STATUTES OF ONTARIO, 1937. 24th January, 1938.
- RIGHTS OF LABOUR ACT. 1944, c. 54. 12th April, 1944.
- ROYAL ONTARIO MUSEUM ACT. 1947, c. 96. 26th December, 1947.
- SECURITIES ACT. 1947, c. 98. 9th March, 1948.
- STEEP ROCK IRON ORE DEVELOPMENT ACT. 1942, c. 35. 27th July, 1942.
- STOCK YARDS ACT. 1944, c. 59. 12th May, 1944.
- TEACHING PROFESSION ACT. 1944, c. 64. 1st June, 1944.
- THAMES RIVER CONTROL ACT. 1943, c. 33. 25th May, 1944.
- THEATRES AND CINEMATOGRAPHS ACT. R.S.O. 1937, c. 319, s. 19. 9th January, 1939.
- TILE DRAINAGE AMENDMENT ACT. 1939, c. 50. 1st June, 1939.
- TOURIST CAMP REGULATION ACT. 1946, c. 100. 1st April, 1946.
- TRADE-SCHOOLS REGULATION ACT. 1938, c. 43. 2nd January, 1939.
- TREES CONSERVATION ACT. 1946, c. 102. 15th November, 1946.

B

ACTS OR PARTS THEREOF NOT PROCLAIMED
AS OF 23rd JUNE, 1948.

- ACTIVE SERVICE LIFE INSURANCE PROTECTION ACT. 1944, c. 3.
ADOPTION AMENDMENT ACT. 1948, c. 1.
ASSESSMENT AMENDMENT ACT. 1931, c. 51, s. 5.
BARRISTERS ACT. R.S.O. 1937, c. 222, s. 6.
CHANGE OF NAME ACT. 1948, c. 9.
COUNTY COURTS AMENDMENT ACT. 1937, c. 14, s. 3.
DISTRICT HOMES FOR THE AGED ACT. 1947, c. 31.
DIVISION COURTS AMENDMENT ACT. 1937, c. 20, s. 4.
FUEL OIL TAX ACT. 1932, c. 12.
HOMES FOR THE AGED ACT. 1947, c. 46.
INSURANCE ACT. R.S.O. 1937, c. 256, ss. 302, 303, 304 (*see 1943, c. 28, s. 18*).
INVESTMENT CONTRACTS ACT. 1948, c. 49.
LABOUR RELATIONS ACT. 1948, c. 51.
MOTHERS' ALLOWANCES ACT. 1948, c. 58.
NEGLIGENCE AMENDMENT ACT. 1948, c. 61.
OLD AGE PENSIONS ACT. 1948, c. 64.
OTTAWA LIGHT, HEAT AND POWER COMPANY, LIMITED PURCHASE ACT. 1948, c. 67.
POWER COMMISSION AMENDMENT ACT. 1947, c. 78.
PUBLIC MEETINGS AND PROCESSIONS ACT. 1939 (2nd Session), c. 9.
SILICOSIS ACT. 1929, c. 71; 1930, c. 59.
VITAL STATISTICS ACT. 1948, c. 97.
WAREHOUSE RECEIPTS ACT. 1946, c. 107 (application to certain articles).

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